

Dear All,

Here are my comments on this property.

I have some experience with matters pertaining to the public realm and so I do know a thing or two and would like to share my comments.

If you walk past 233 Main Street, you cannot see anything that the property owner has in his back yard. His backyard is not visible from the public realm.

This is his private property which is completely obscured from any roads.

Further the property - the garden - is surrounded by the backyards of neighbours clearly demarcated by a fence on all sides.

So if his neighbours are crying foul because somehow in all preceding years they enjoyed HIS garden, then it is tough luck for them that he wants to change his garden to suit his present family needs.

The City seems to have one set of rules for some residents and another set of rules for other residents.

I say this to you because my neighbour on Victoria Avenue cut down trees on his property as well City property without any consequences.

He turned a large part of green space at the front of his property into a concrete parking pad.

He erected an illegal chain link fence that IS visible from the public realm and the majority at the City, including Regan, allowed all these infractions to be approved.

A huge number of residents wrote in against the fence in my backyard because they saw it as they walked past each day.

Apart from the few neighbours who's homes back onto the side of 233, nobody can see his kids skating pad.

COVID has caused a great deal of stress and anxiety for many but children have been affected the most.

If 233 wants a skating pad in his backyard so his kids can skate safely in the locked up months, and more will come - then so be it.

Kind regards,

Shanta

Shanta Sundarason
Unionville, ON

SEPTEMBER 27 COMMITTEE MEETING FOR 233 Main Street Unionville, CONCRETE PAD

OUR LOCATION:

Owners - Randy and Nancy Holmes

The full length of our backyard abuts directly to the above property's backyard.
Our house is at two storey walk out basement. **Our main and upper levels look down into the whole backyard of 233 Main Street**

BACKGROUND :

We are 27 year Markham homeowners who purchased our current property because of the desire to live in a heritage protected town. The deciding factor of this home purchase was the fact that the full backyard was lined with heritage trees on a protected heritage property for not only the calm ambience it provided but also the complete privacy. We knew that Heritage properties were fiercely protected in Markham (from Randy's position as Chair of Property of the outstanding heritage building of Central United Church) and as such were confident that the beautiful landscape would remain safe under Heritage provisions.

PAD PREPARATION:

We were blindsided when in March 2021 the owner, Martin Ross, had a crew begin weeks long **process of butchering and cutting large, mature, healthy (majority of) trees throughout the entire interior of his backyard.** A massive willow (which was diseased) was then felled (Randy actually helped the three people with the removal as we were terrified it would fall on two large cedars that provide us with the some privacy along our back fence).

- **we asked him twice nicely if he had permits to cut these trees - we were told yes (UNTRUE)**

- when the cutting continued, Randy asked him again and was subjected to 10 minutes of wrath from Mr. Ross directly at our fence line, calling Randy every vile name in the book and telling him he was going to "f**n chop the *f**n cedars down with his chainsaw right now because he mistakenly thought Randy had told the town what had transpired. Randy was able to calm him somewhat fearing he would do as he said. At a later date Nancy was called a "bitch" by Mr. Ross to Randy and with his hockey school children doing drills on the pad outside for his online training said in a loud voice so we could hear that we "hate children".

- within a week or so of the first tree cutting, **bobcats and digging machines and a crew came in and ripped up the backyard digging at least a 2-3 foot perimeter trench** extremely close to the perimeter trees roots that were still left and **began the foundation excavation. We witnessed this and knew that this action would ultimately kill the rest of the trees on the property in a matter of time.** His privacy cedars (our only visual defence) were now in peril.

- this was followed up with **truckload after truckload of gravel** and the dust that ensued for all the surrounding properties was untenable. **We could not go outside due to the noise levels and dust that continued daily.**

- while this was going on **he would continuously burn (often unattended) pieces of the trees** with wet wood smoke that billowed into everyone's properties as well. **Not to mention the fire hazard to surrounding properties.** Twice the fire department arrived to have him cease.

- after the **gravel the cement trucks came and poured a pad that is well in excess of 50' x 80' and a smaller one (appears larger than 20' x 8')** with both covering the majority of his backyard. Again all surrounding neighbours were subjected to the noise and disruptions that ensued.

- subsequent to the pad, **grey and red plastic covering was then installed over the main pad with giant TPHS logo (his hockey school) in bright red** visible to all neighbours.

- Sunday Aug 29 - **another 5 beautiful healthy perimeter trees were butchered and felled** along with one in the middle of the property. (NO PERMITS). This action **completely opened up the north part of the fence view to us and our north neighbour (basically no trees left along the fence line).**

WHERE WE ONCE LOOKED AT A WALL OF BEAUTIFUL GREEN TREES, WE NOW LOOK OUT AT THIS UGLY VIBRANT RED, MASSIVE CONCRETE SLAB. HORRENDOUS!

IMPACT AND ENJOYMENT TO OUR PROPERTY

- the whole back of our house is almost completely exposed

- our property value decrease totals into the hundreds of thousands of dollars for us and the same for the 10 other surrounding neighbours, due to this monstrosity and view

- as retribution to the neighbours (he feels persecuted!) he blasts RAP and rock music for hours and hours day/night while many times not even home. We have been subject to this for 3 or more years to the point you hear it inside with windows closed

- I am sickened every time I look out our back windows (which is our most lived in space) at the destruction and lack of privacy.

- the erratic behaviour of Mr Ross is of **great** concern (threatening, continual police presence, bylaw officers, firemen, workers you never know what they are going to remove, destroy next)

- **WE ARE EXTREMELY FEARFUL OF MR ROSS's BEHAVIOURS** with respect to vindictively cutting ALL the remaining trees on his property or any other personal retribution and ask that there be an emergency recourse available to us.

- he has openly stated this is the **RINK OF DREAMS for his professional hockey school.** Last winter he made a half the size skating rink and during COVID lockdown ran the school with 8-10 kids on the ice, no masks and parents standing around. Commercial LED spotlights surrounded the ice rink and glared continuous in early morning (Sometimes 6:30 am) and at night into our back floor to ceiling windows and bedroom). Our blinds could not filter the intensity of the lights.

- **HIS STATED OPERATION OF THIS COMMERCIAL SCHOOL** will mean incredible noise from slapping of pucks and his yelling/coaching which we experienced last winter as well as summer Boot Camps he held in previous years. With little tree coverage now, this will reverberate 10 fold noise wise.

- fear that pucks coming over our fence (which they have) will cause serious damage to our house/windows/anyone outside

- **his complete and utter disregard for his impact to others and property - he revels in telling people he will not stop regardless of any fine or orders he is given.**

REQUESTED ACTION BY THIS COMMITTEE

-ENFORCE EACH AND EVERY bylaw infraction he has committed to the full extent as his blatant disregard for Permit applications, Cease and Desist orders, fines have NO DETERENT to him.

-ENFORCE PENALTIES for any person or company that illegally performs work on his property (ie. working with no permits)

- ENFORCE the RESIDENTIAL zoning of his property and NO COMMERCIAL hockey school can operate outside on this property (front or back). It is NOT ZONED COMMERCIAL

- REQUIRE THAT THE PADS and markings be removed and the property be restored to a residential backyard with required tree plantings strategically planted to assist with some privacy for the surrounding neighbours.

-ENSURE that if this decision is appealed by Mr. Ross that no use of this pad can occur during the lag time before appeal decision given.

- Have some plan in place to protect the neighbours from retribution from him (ie. Noise infractions, verbal abuse etc). What are our options ?? and we need access to emergency people (bylaw etc. that have authority to rectify an immediate threat.)

We believe in the power your Committee has and as such ask that you unanimously reject his request for approval of this project.

The precedent set out by the Court decision of 116 Main Street Unionville in 2012 which not only upheld the residential zoning (fines) but also further required the restoration of property, gives credence to our requests.

If this does not occur, this case will become a precedent for any person who feels that bylaws and Heritage designations carry no weight and that by bullying through they can do what they want.

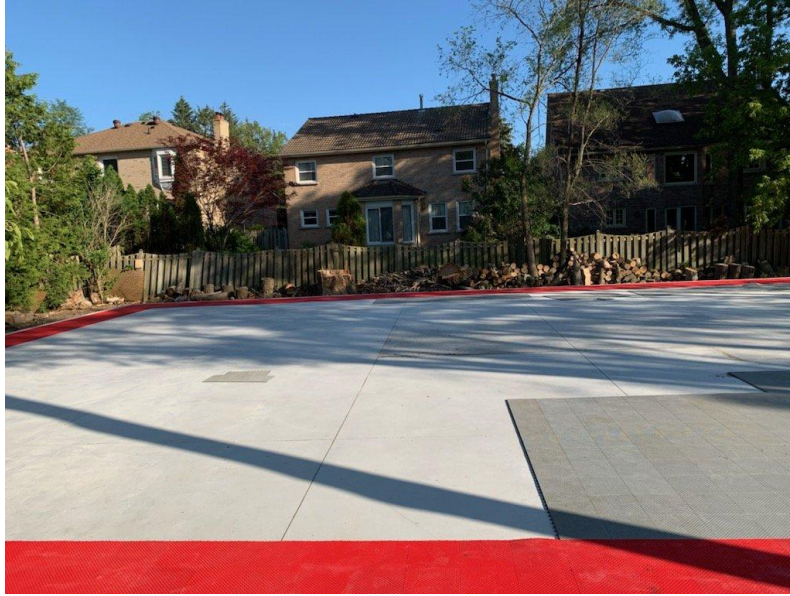
The Heritage and laws of our unique community need to be upheld if we want to remain a Heritage town.

PICTORAL EVIDENCE



PRIOR TO 2021

AFTER: AUGUST 2021



COMPLETE EXPOSURE (IN ADDITION MIDDLE TREES HAVE BEEN REMOVED SINCE THIS PHOTO)



TREE BURNING IMPACT

PUCKS FLYING OVER THE EXPOSED FENCE WHILE GARDENING

From: David Tang

Sent: September 20, 2021 11:58 AM

To: Clerks Public <clerkspublic@markham.ca>

Subject: Deputation re 233 Main Street Unionville Backyard Concrete Hockey Pad

To whom it may concern,

I'm writing this deputation to express my concerns about the backyard concrete hockey pad at 233 Main Street Unionville.

I've been living in this neighbourhood for almost 12 years now and really enjoy the beautiful little town of Unionville. Before I moved here, I looked at many areas around Markham, new and old. One major factor that made me finally decide to make Unionville my home was that the neighbourhood is fully covered by many mature trees, especially those huge heritage trees alongside the streets, in the parks and people's backyards. The beauty of trees under blue sky is breathtaking and hard to describe by using any language. With construction of the concrete play/hockey pad at the backyard of 233 Main Street Unionville, many mature trees have unfortunately been cut down without permits. I'm especially missing the giant heritage willow tree which was probably more than 100 years old. In my opinion, mature / heritage trees are crucial components that form Unionville heritage and nothing can replace them when lost.

From one of the City's documents I've noticed that the intention of the concrete pad will be for family & friends use only but it's hard for me to understand the leisure purposes with a hockey pad of this scale. If the concrete pad is used for commercial hockey training courses, which is contrary to the zoning bylaw, given the close proximity of the neighbours' houses to the pad, the non-stop noise will be unbearable for the surrounding neighbours, not to mention the disturbing bright lights and their ice reflection after sunset. In addition, with the dramatic landscape change resulting in a large area covered by concrete, I suspect that there might also be violation of the heritage easement agreement and ground drainage issues but I'd leave those for the professionals at the City to judge.

With the hockey pad in place, there will be less people interested in buying the affected properties. As a result, the resale value of houses abutting 233 Main Street will be negatively impacted and, consequently, all the houses in the surrounding area will lose some market value.

To summarize, for the best interest of the heritage conservation act as well as people living in this nice little neighbourhood, I believe the concrete pad should be removed and the backyard of 233 Main Street should be restored to the original state but, frankly, there's really no way to restore the mature trees, even by replanting.

Thank you.

David Tang

Deputation re: Work at 233 Main Street, Unionville

clerspublic@markham.ca

I reside at 2 Library Lane, Unionville, which is located on the corner of Library Lane and Main Street. My home is adjacent to Mr. Martin Ross' home at 233 Main Street, Unionville.

Alterations to Mr. Ross' property this year and his clear intent to continue and expand operation of a commercial business from his property are of great concern to me. I understand that Mr. Ross' alteration work, particularly significant removal of matures trees has been done without obtaining requisite approvals. The tree removal has occurred in at least three rounds. I believe the second and subsequent of which were after his being notified that his first round of tree removal violated city bylaws and were made without the necessary approvals.

I will address the following herein:

1. Mr. Ross' removal of trees;
2. Mr. Ross' alteration of the topography and drainage of his property to the detriment of my property;
3. Mr. Ross' operation of a commercial business from his property; and
4. Mr. Ross' harassment of neighbors opposed to his actions.

Removal of Trees

In the last six months, Mr. Ross has cut down numerous mature trees that were on his property. His first round of tree removal was in, or about, the first week of April 2021. Further trees were removed shortly thereafter and in August 2021. I understand that one or more trees were removed due to a city order, but most cut down to accommodate Mr. Ross' commercialization of his backyard and without proper approvals. The damage to the local tree cover, privacy of Mr. Ross' neighbors and the soil drainage is beyond description.

Mr. Ross' tree cutting demonstrates a complete lack of respect for Markham's bylaws and the Heritage Act.

Alteration of Topography

Mr. Ross has covered a very significant portion of his back yard with elevated concrete pads. He moved at least one tractor-trailer load (I do not mean a mere dump truck) of aggregate into his backyard prior to pouring the concrete. The combination of concrete coverage, alteration of his yard elevation and tree removal has created drainage problems.

Mr. Ross has a sump pump in his basement and has an attached pipe that dumps gallons and gallons of water into my backyard. The sump pump was an issue prior to Mr. Ross' yard work, but the discharge from the pump and flow from Mr. Ross' backyard has now a very significant problem and has created a stream through my property. The time intervals between the discharges from the pipe varies depending on recent weather, but 15 minutes on average is a

fair estimate. Attached is a video of the discharge and the stream down my property that it has created (despite my landscaping efforts):



IMG_2671.MOV

[Note my iron fence is not at the property line but well south thereof. Mr. Ross' home is a heritage home that was constructed virtually against the property line.]

Mr. Ross' alteration of the topography of his land contravene the Heritage Agreement applicable to his property.

Mr. Ross' Operation of a Commercial Business from his Property

Mr. Ross operates a hockey school. He operated his hockey school in his driveway and backyard last year. It is exceedingly clear that the concrete pad he has erected in his backyard is to operate his hockey school, despite the representations he has made to the city about it being purely for his family's use. My neighbors and I purchased nice homes in a residential neighborhood, not an industrial park. We are all suffering from Mr. Ross' actions.

In assessing the probable veracity of Mr. Ross' representation that his concrete sports pad is for his family's personal use, I ask the councilors to consider:

- Mr. Ross operated his hockey school in his yard last year (but possibly not exclusively from his yard);
- Mr. Ross' hockey school internet postings about the rink he is constructing in his yard;
- The massive Toronto Professional Hockey School logo emblazoned on his sports pad. This would have been a costly and pointless undertaking on a pad constructed solely for his family's use; and
- Mr. Ross' pattern of complete disregard for city bylaws, the Heritage Act, and respectful dealings with city inspectors.

Harassment of Neighbors

Mr. Ross has regularly blasted music into his yard this summer generating noise complaints from his neighbors. It appears he is often not in his yard at all when the music is playing, and his actions are just to interfere with his neighbor's enjoyment of their yards because he is unhappy that they are complaining about his property alterations.

Thank you for your investment of time to consider this matter of importance to many of Mr. Ross' neighbors.

Submitted by:

Jeffrey C. Smith

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233 MAIN STREET UNIONVILLE MEETING SEPT 27, 2021

Submitted by :  Unionville, ON

OWNER: Jianfeng Kuang

Our property is directly in back of this Heritage property. Our fence line is 90% backing onto this location.

We were shocked when earlier this year mass cuttings of old Heritage trees throughout this property happened continually over a couple of weeks. Initially it was mostly interior trees but a few weeks ago all the trees along our back fence were completely removed. These trees were healthy. We are now left with absolutely complete exposure and no privacy to this backyard. Our house deck looks directly over into this property and we can now see right through to Unionville Main Street. Our quality of private life has been taken away from us as we now have a "shared" backyard. We are extremely distressed with this.

Not only were the trees clear cut but he has installed a huge concrete pad with bright red lettering and borders. This is an incredibly ugly surface that we have to look at everytime we look out our window or are on our deck which faces it.

The making of this pad caused incredible noise, dirt, smoke from fires burning in the summer continually over months. We could not use our backyard at all.

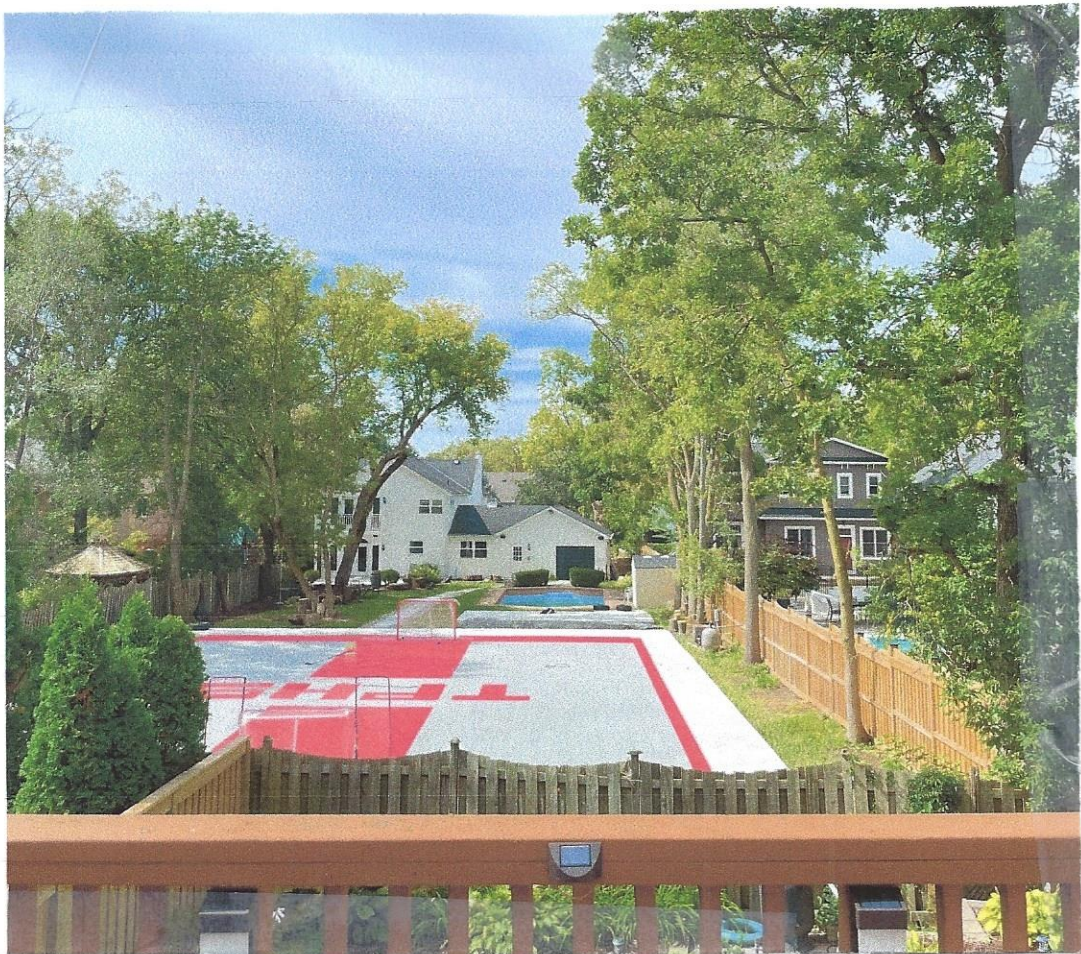
We are extremely concerned that it appears he has built a hockey rink. Based on last years winter rink (during COVID lockdown with teams of kids playing and doing drills with parents standing outside with a fire burning) the noise, the halogen lights glaring and the ability for pucks to dangerously be shot over into our yards potentially hitting windows etc. is not acceptable. This will be even more of an issue now the rink is more than twice the size as last year and there are no trees to buffer any of it.

We have also lost great value to the resale of our property because of these actions in the backyard. We believed that this was a protected Heritage property and purchased our home partly because of the privacy this gave.

We are submitting this deposition to the Committee with request that the owner is made to remove all of pads and restore the property with trees and greenery and not be allowed to operate a hockey school business on his residential property.



OUR PROPERTY IS THE POOL SIDE BEFORE THIS IS THE PROPERTY NOW FULL EXPOSURE



Background:

- The Applicant runs Toronto Professional Hockey School (TPHS).
- Our heritage property shares 267 feet of boundary to the north of 233 Main St.
- 10 direct neighbours are at the back of 233 Main St and 3 properties are across from it.

**Issue:**

- The Applicant has a history of hostility toward neighbours.
- The Applicant has cut down mature healthy trees with a Order To Comply in place
- Has poured an approx. 2' deep concrete 'TPHS' hockey pad and smaller washroom pad
- The Applicant has told us he will run TPHS hockey training from this new pad

After:

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1) Short timeline of events

Apr 6- May 4 2018	<ul style="list-style-type: none"> The city arborist removes large leaning tree from front yard of 233 Main St. The Applicant is mad, swears at us and plays very loud music for hours at a time and late at night which can be heard by surrounding neighbours and in our house. The Applicant continues to repeat this behaviour and has said we lost the right to ask him to turn the volume down when we called the city to report the dying tree.
2018- 2020	<ul style="list-style-type: none"> A plastic hockey pad in the driveway of 233 Main st and is sometimes used for TPHS live training, private and group hockey lessons. Noise of slap shots and The Applicant screaming “HUP” can be heard by surrounding neighbours and from within our house. Flood lights were facing our kitchen window. Pucks are hit over the fence
April 2020	<ul style="list-style-type: none"> 267’ of fence between our houses falls down The Applicant won’t pay anything towards a new fence because he is living on Cerb. We pay the entire amount which The Applicant later tells the city Arborist Kim on Aug 2021.
Winter 20/21	<ul style="list-style-type: none"> The Applicant builds a backyard ice rink, adds flood lights and a fire in a large pot. TPHS lessons held with about 10 children & parents It is loud and the lights are invasive to all surrounding neighbours. Cars are parked in front of our house including the fire hydrant at times.
Feb 21 approx 2021	<ul style="list-style-type: none"> The police stop a backyard lesson, fining The Applicant. The Applicant posts 3 TPHS videos, 2 of which are with the police and/or bylaw, stating TPHS hockey school was training in the backyard of 233 Main st. The Applicant tells us the fine/police video was the best advertising ever for his hockey school.
Early Spring	<ul style="list-style-type: none"> The Applicant gives lessons from a location which has a rink in a barn The Applicant begins to demolish a barn off site and posts TPHS videos that he will be rebuilding his own barn in his backyard ‘rink of dreams’
Mar 12 2021	<ul style="list-style-type: none"> City Arborist attends 233 Main st to document violations and finds 6 trees cut
Mar 21 2021	<ul style="list-style-type: none"> By-law issues Order to Comply stopping all construction or alteration of land without Heritage permits and approvals (Per Regan Hutcheson)
Mar 27 2021	<ul style="list-style-type: none"> regrading of land continues about 5 cement trucks arrive and pour 2 concrete pads in back yard 50’x80’+ portion of backyard is elevated by almost 2’ and has no drainage
Mar 30 2021	<ul style="list-style-type: none"> City Arborist attends and finds 4 more trees cut down without a permit in place. (per Regan Hutcheson)

April 2021	<ul style="list-style-type: none"> • Fire Department visits to stop the tree debris from being burned.
Jun 9 2021	<ul style="list-style-type: none"> • Heritage department reports 233 Main st. permit application rec'd on May 27th "work has already been undertaken by the owner to introduce the proposed backyard pad" "according to staff, property re-grading has occurred and the removal of trees"
Spring 2021	<ul style="list-style-type: none"> • Throughout this year the applicant has been heard screaming "FUCK YOU" and other profanity to various neighbours. The Applicant plays loud music from 4 backyard speakers and has been seen leaving the property with the music left on. • The Applicant deletes the TPHS Instagram account which contained videos of activities for the "rink of dreams" at 233 Main st.
June 2021	<ul style="list-style-type: none"> • TPHS Hockey lessons with small groups are held in the backyard on the pad
Jul 15 2021	<ul style="list-style-type: none"> • Heritage Committee votes against the permit application unanimously. • Applicant comes to our front door, accusing us of being against his backyard plans.
Aug 8 2021	<ul style="list-style-type: none"> • Burning of tree debris continues in the backyard of 233 main. • Fire Department arrives • I am outside and The Applicant starts to scream at me from about 60 feet away "FUCK YOU AND FUCK JP TOO". This occurs in front of 4 firemen and the applicant's young kids. I hear him scream profanity at other neighbours and see him gesturing at other neighbours' houses and screaming "I HAVE A PERMIT" • The Applicant screams that he submitted Freedom of Information to the town, and that he knows I sent 6 emails to the city. • The Applicant blasts music on exterior speakers and leaves the house. • I am scared he will come to my house and I call the police. • The Police wait for the applicant to return to 233 main. • Police tell The Applicant to not talk to me and not come to my house. • Safety Issues are now a concern
Aug 29 & 30 2021	<ul style="list-style-type: none"> • The Applicant cuts down more trees without permit. • The city arborist arrives with bylaw. The Applicant will not allow them to enter the backyard so the arborist goes to neighbours' backyards to see what has happened. • The Applicant films the city officials while they are in my backyard. • He is further finned by the city arborist
Summer 2021	<ul style="list-style-type: none"> • The Applicant starts a new Instagram account for TPHS saying he was "hacked" • Reposts a video with the police stopping his winter lesson and blames a neighbour
Aug+ 2021	<ul style="list-style-type: none"> • The Applicant moves huge tree debris to the curb • Bylaw intervenes after it has been there a couple of weeks • The Applicant proceeds to move debris from the curb to Toogood pond • Bylaw intervenes. • From within my house I hear screaming and see The Applicant yelling at a neighbour about this matter.
Aug+ 2021	<ul style="list-style-type: none"> • Since the above events, the music playing has worsened. • Bylaw has said that Mr. Ross doesn't care if he is fined, he will play it anyway.
Sept 30 2021	<ul style="list-style-type: none"> • City Arborist's fine says trees or fine must be completed by this date

The above observations have been witnessed by various city employees: Police officers, Bylaw Officer Chris, Bylaw officer Peter Nikolaidis, City Arborists Mark Goldsworthy and Kim Kitteringham, and Building inspector Shayna Mathieu-Moor.

2) Bylaws to consider



Bylaw	Link and summary
233 main Heritage easement:	http://www3.markham.ca/Markham/aspc/heritage/photo/getPDF.aspx?PDFType=35&FolderRsn=306132 2.8 Owner shall not - “allow the removal, destruction or cutting of trees , shrubs or vegetation except as may be necessary for (i) the prevention or treatment of disease or (ii) other good husbandry practises.” “allow the dumping of soil”, - “except for the maintenance of existing improvements allow any changes to the general appearance or topography of the lands ” - “ ..excavation , dredging or removal of loam, gravel, soil” 4.1 Town has right to enter property with 24 hours written notice.
116 Main st	Precedent set- backyard paving ripped up from backyard of heritage property https://www.yorkregion.com/news-story/1469064--5-000-in-fines-for-paving-yard-in-unionville/
By-law 2011-232 Drainage and grading	https://bit.ly/2XVR1bd 4.1 Lands less than one (1) acre (0.405 ha) in size shall be exempted from the requirement to obtain a Permit, provided that: 4.1.1 such land is not within 30 meters of the Natural Heritage Network as identified in the City’s Official Plan; or 4.1.2 the Site Alteration does not in any way affect the land Drainage of the abutting properties. 4.3 Where no more than 300 mm of Fill in depth is placed on lands for the purpose of lawn dressing, landscaping, adding to flower beds or vegetable gardens, provided that: 4.3.1 the elevation of the land within 600 mm of any property line is not changed; 4.3.2 & 4.3.3 the Site Alteration does not in any way affect the land Drainage of the abutting properties; 4.13 To Removal or addition of Topsoil where the quantity of Topsoil removed or added in any one Lot does not exceed five (5) cubic metres;


Bylaw	Link and summary
By-law 53-94 and 122-72 Home Occupation for zone r3	<p>https://bit.ly/3ENinkk</p> <ul style="list-style-type: none"> a) the HOME OCCUPATION use is clearly a SECONDARY USE of the DWELLING UNIT as a private residence and is conducted entirely within an enclosed BUILDING; b) the HOME OCCUPATION use does not occupy more than 25% of the total combined GROSS FLOOR AREA of the DWELLING UNIT and any associated ACCESSORY BUILDINGS on the SAME LOT; c) such HOME OCCUPATION shall not create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside of the DWELLING UNIT and which exceeds limits established by Town by-laws and Provincial legislation; d) other than members of the household residing in the DWELLING UNIT there shall be no more than one employee, provided that one off-street PARKING SPACE is available solely for use by such an employee; e) there shall be no exterior storage or display of goods, materials or equipment associated with the HOME OCCUPATION; f) retail sales shall be limited to those goods and articles which are produced within the DWELLING UNIT or its accessory buildings (excepting mall order sales, which shall not be subject to this restriction); g) any HOME OCCUPATION involving instructional activity shall be limited to a maximum of 4 students at a time; h) there shall be no commodities sold or services rendered that
Public Nuisance Bylaw 2018-	<p>https://bit.ly/3i4uDDI</p> <ul style="list-style-type: none"> • (a) disorderly conduct including spitting, screaming, yelling, shouting, or using profane or abusive language or gestures; • (g) unlawful open burning; • (k) throwing or depositing any refuse or litter on public or private property; • (l) sound that is unreasonable, excessive, and that is likely to be unwanted by or disturbing to persons, including but not limited to loud music;
By-law 2017-26 Maintenance	<p>https://bit.ly/3CFKqAh</p> <p>8.1 Every swimming pool shall be maintained</p> <p>23.1 d) standing water in any depression or Equipment.</p>
Building code	<p>Contractors are required to have all underground utilities located and marked by Section 228 of Ontario Regulation 213/91 – Construction Projects.</p>
Tree/Grading	<p>https://bit.ly/3IMmCDW</p> <p>permits required if building within 6 meters of a tree</p>
Bylaw 2003-122	<p>no standing water, pool must be kept in working condition</p>
TRCA	<p>https://trca.ca/planning-permits/landscaping/</p> <p>233 Main is partially in a flood plain and governed by the TRCA.</p>

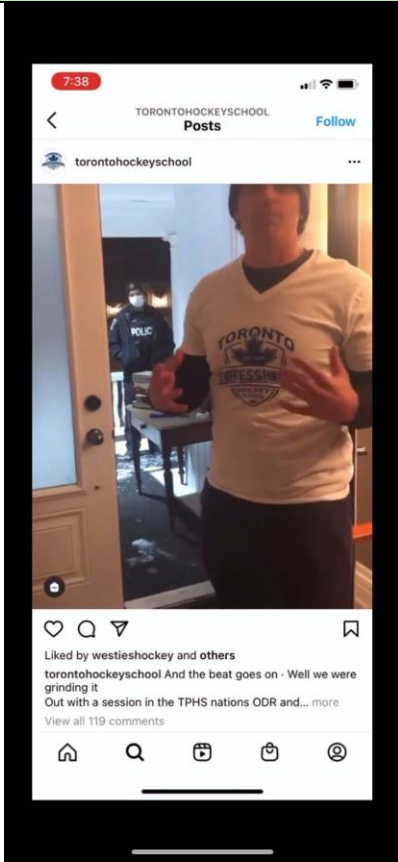


3) Outcome Requested

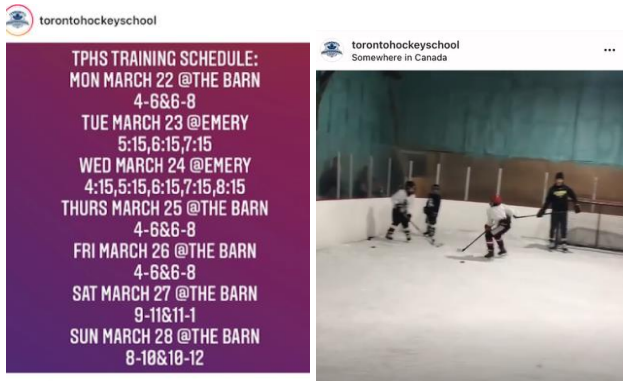
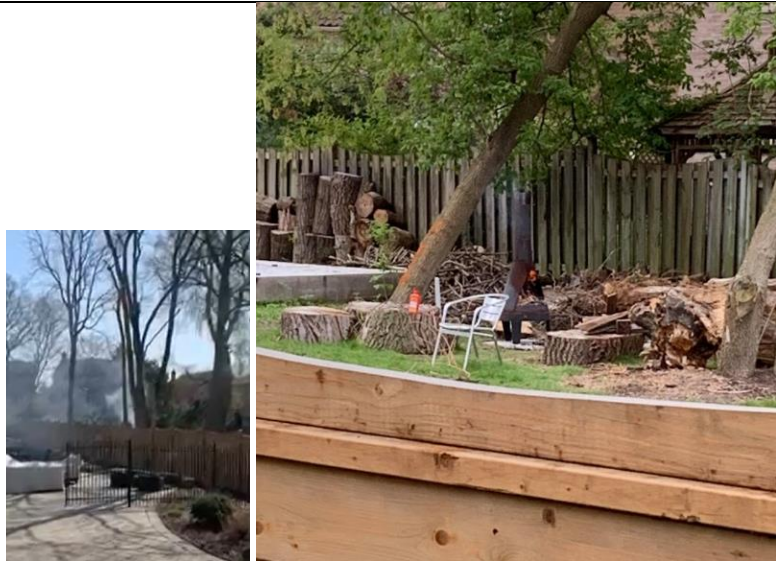

- a) We ask the members of the council to not support the heritage permit application in question for 233 Main st.
- b) We ask the council to enforce the Heritage Easement immediately; and have the two concrete pads removed, the property regraded appropriately, and the prior vegetation and trees replanted.
- c) We ask the council to ensure natural drainage returns to the property in question.
- d) We ask that the Heritage Easement clause be used to allow the city to enter the property with written notice to expedite the above work.
- e) As part of general maintenance of a heritage property, we ask council to address the standing water in the pool, the roof, the hole in the garage and the peeling paint at the 233 Main st. Heritage home.
- f) Review the many deputations submitted by affected neighbour and the attached videos and neighbours' reports and conclude that the applicant has shown he has intentions to use the concrete pad (emblazoned with 'TPHS') for commercial purposes.
- g) We ask the Council to address the swearing and noise harassment issue by enforcing the Public Nuisance Bylaw and removing the applicant's external speakers which can be heard within a neighbours' home with windows closed.
- h) On behalf of all the neighbours, please thank the myriad of city staff who have attended and worked on this case.

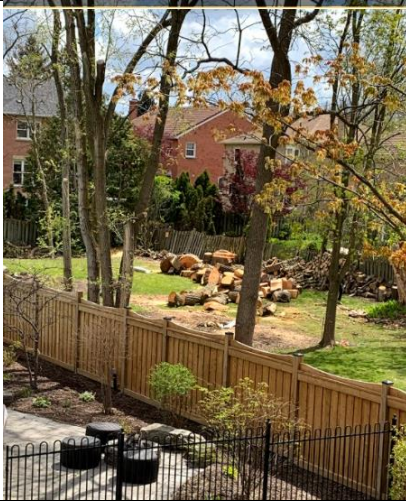

4) Long timeline of events including videos posted by Mr. Ross on TPHS instagram





DATE	ACTIVITY	COMMENTS / PHOTO/ VIDEO
Apr 6- May 4 2018	For 4 weeks we text the applicant re huge falling tree this could hit our house. We repeatedly ask to remove the tree and give him the name our arborist. The applicant goes away on vacation with the tree at a dangerous tilt.	
May 4 2018	City intervenes and removes tree. The applicant swears at us and plays loud music that is heard throughout our house with windows closed.	<p>See link to The applicant's texts to us</p> <p>https://docs.google.com/document/d/16hJxSdrmlJ-ZpIYbI9LDNNayVcBNd-NT/edit?usp=sharing&oid=101319505811043059902&rtpof=true&sd=true</p> <p>The applicant will not repair the front fence his tree broke. The applicant will not turn down the volume of music played.</p>
May 2018	City Arborist Mark involved	Mark tells me he won't go to 233 Main st again without police.
2018- 2019	The applicant's continues to play loud music. See exterior speakers.	<p>For example, at a backyard lunch for my mother's 89th birthday the applicant yells "perfect timing, eh?" and turns up the music.</p> <p>Sample Noise heard from from 233 main st exterior speakers while in backyard at 237 main st (volume up)</p> <p>https://drive.google.com/file/d/1xLBjfdumNcNTnp7OxWrLASlzx6Xrztei/view?usp=sharing</p> <p>Sample Noise heard from 237 main st front porch:</p> <p>https://drive.google.com/file/d/1m8oa-Eri73bzLNHCazZq7iUmLjdYZXjC/view?usp=sharing</p> 





DATE	ACTIVITY	COMMENTS / PHOTO/ VIDEO
2018+	Large plastic hockey pad and net on 233 main driveway used intermittently for TPHS lessons. Applicant refuses to rebuild fence at front to stop the pucks from coming to our property so we rebuild at our cost of \$4000.	 <p>Pucks at 237 main street which were shot from 233 main st.</p>
Mar + 2020	Covid closes non-essential businesses	<p>The applicant runs daily training from driveway and backyard.</p> <p>https://www.tphslivetraining.com/</p> <p>https://drive.google.com/file/d/1Ocx28LL9s2OQEyPomkCir1U2nQMj9t8w/view?usp=sharing</p>
April 2020	Fence falling down between our properties. We both have pools.	The applicant says he can't afford to pay because he is living on \$2000 a month only. He contributes nothing to the \$14,000 cost and later in August 2021 this to the city Arborist Kim.
Jan + 2021	Backyard ice rink erected at 233 Main street with flood lights and fire pit and hockey lessons are run.	 <p>The applicant's TPHS hockey school's Instagram post shows the backyard rink.</p>
Feb 1 2021	Running classes in backyard of 233 main	<p>See video the applicant posts on the TPHS Instagram.</p> <p>https://drive.google.com/file/d/1CrpdZYyWW6icB0AK5C_mUcO_WuwCyf_A/view?usp=sharing</p>
Feb 4 2021	Running classes from backyard of 233 main.	<p>See video the applicant posts on the TPHS Instagram</p> <p>https://drive.google.com/file/d/1ltRyhsHZzb82_G8HHb4YaXQu8vS74yLK/view?usp=sharing</p>


DATE	ACTIVITY	COMMENTS / PHOTO/ VIDEO
Feb 21 2021	Police /Bylaw fine the applicant for running TPHS school in his backyard. The applicant admits it was TPHS hockey school (video 2)and posts video on TPHS instagram .	  <p>To watch the applicant's full instagram video with the police:</p> <p>https://bit.ly/39zVld4</p> <p>https://bit.ly/3zB3sWO</p> <p>https://bit.ly/2XU8mkl</p>
Mar 1 2021	Someone posts about the applicant and TPHS on twitter expressing safety concerns	 <p>He's also the guy I listened to whine last night for an hour.</p> <p>There's a hockey school on every corner, TPHS, Outliers & Next Gen hockey are all anti-science & the last 2 threaten & demean those who aren't covidiot. 3/4</p> <p>10:41 PM - Mar 1, 2021 - Twitter for iPhone</p> <p>2 Likes</p>


DATE	ACTIVITY	COMMENTS / PHOTO/ VIDEO
Mar + 2021	<p>The applicant training in a barn during covid.</p> <p>The Applicant subsequently post Instagram videos of a barn he is taking down for the purpose of making a barn “rink of dreams” in the backyard of 233 main st.</p>	<p>https://drive.google.com/file/d/1wH4-RseRHrRkWvYf9BrF4m1eo-HRxp0r/view?usp=sharing</p> <p>https://drive.google.com/file/d/1liKVpNEwsQcuRrpPb-zWJA6Vnej6C0H2/view?usp=sharing</p> 
Mar April + 2021	Cutting down numerous large mature trees without permit	<p>Mature tree being cut down</p> <p>https://drive.google.com/file/d/1K2fYrXh_bg0bGuEc2YQYSude2dHryGly/view?usp=sharing</p>
Apr + 2021	<p>All month burning trees debris.</p> <p>Fire Department tells the applicant’s workers to stop.</p>	
April 2021	House put on market. Taken off August 19 th but the sign is still up.	<p>Indicates painting, roof and driveway repairs are needed</p> <p>233 Main Street Markham Zolo.ca</p> <p>Home taken off the market on August 19th, 2021. View homes for sale near 233 Main Street Markham, or learn if ...</p> <p>Office Main: 10 x 11 108 sqft Kitchen Main: 13 x 23 291 sqft</p> 

DATE	ACTIVITY	COMMENTS / PHOTO/ VIDEO
May 2021	Trees cut down	
May 8 2021	Backyard being regraded and soil removed	
May 19 2021	Applicant posts video of a backyard “rink of dreams” on TPHS Instagram account.	https://drive.google.com/file/d/1CTeivgQXvFAJE3rMMf0jXHvCRx87ANcy/view?usp=sharing
May 21 2021	Order to comply issued by town to stop all work per Regan Hutcheson	<ul style="list-style-type: none"> On May 21, 2021, By-law Enforcement issued an ‘Order to Comply’ in response to “building construction and/or alteration of land without required Heritage permits and approvals contrary to the applicable Heritage Easement Agreement and The Ontario Heritage Act”. The Heritage Permit application was submitted in response. The owner was also informed of the requirement to secure municipal approval as per the requirements of the Heritage Easement Agreement. Tree Removals <ul style="list-style-type: none"> On March 12, 2021 the property was inspected for reported tree violations. The inspection found three (3) regulated trees, one (1) Siberian elm and two (2) Manitoba maples had been cut at the base. On March 30, 2021 the property was again inspected for purposes of a TREE

DATE	ACTIVITY	COMMENTS / PHOTO/ VIDEO
May 27 2021	Concrete delivery- about 5 trucks 	 
May 2021	The Applicant tells us his plans to build a barn and run his business in the backyard	The Applicant says to us that he will save \$400-500 an hour on ice rentals and he will do anything to support his kids. The applicant complains about the other neighbours and says he has permits for everything.
May 2021	Elevation changed	The privacy fence erected between 237 and 233 Main street is no longer providing privacy because the concrete pad at 233 Main street has elevated the yard by about 2 feet.
June 9 2021	We learn the applicant has submitted a heritage permit application	May 27 Permit application by Mr. Ross including barn is shared by Heritage. July 9 th version of permit shared by Heritage https://drive.google.com/file/d/1lewBxHKhAmnyXxQXFpyZV2-5bQ0EnT9A/view?usp=sharing July 14 th version of permit shared by Heritage: https://drive.google.com/file/d/1WvFfm8ZXtdkyng2HxeViwvS2ljmLbGh/view?usp=sharing
June 2021	The Applicant deletes the TPHS Instagram account	

DATE	ACTIVITY	COMMENTS / PHOTO/ VIDEO
June 16 2021	More gravel delivery and concrete path added 	 
July 14 2021	Heritage committee unanimously votes against the permit application	https://drive.google.com/file/d/1houZyHJ70lxl-YdQYtLiC1HJU1gWPNWT/view?usp=sharing
June 23 2021	Running hockey classes on the back rink	https://drive.google.com/file/d/1PgbwDx8Mmh_9w1ts1nSewgG31PZirwEn/view?usp=sharing
July 2021	The applicant comes to our house	Applicant states “your neighbour has thrown you under the bus”. Applicant wants to know who has been calling the city on his bylaw infractions. Applicant indicates intention to build barn and promises that the students wouldn’t be walking down to the rink right beside our side windows. I ask that the necessary permits are acquired and he says he has them. Next day he waited for my husband at the end of his driveway and had the same discussion.
Aug 2021	Burning tree debris all day and we can’t open our windows.	

DATE	ACTIVITY	COMMENTS / PHOTO/ VIDEO
Aug 8 2021	Fire Department comes to stop the applicant from burning tree debris about 2pm.	The Applicant sees me outside and starts screaming "FUCK YOU AND FUCK JP TOO" in front of his children and 4 firemen. The applicant screams about a freedom of Information Act and that he knows that I emailed the city 6 times. The firemen separate the children and talk to Mr. Ross who is screaming "FUCK YOU" while pointing at other neighbour's homes. Firemen stay for about an hour talking to him as he yells.
Aug 8 2021	When firemen leave, the applicant turns music on extremely loud and leaves in his car. I call the police.	The Applicant's screaming and demeanour has scared me and I fear the applicant is going to come to my house. I ask the police to ask the applicant to not come on my property or talk to me. I called the police subsequently to get a case number so I could reference it and they told me there is an open case 21-270779 but that I didn't initiate it.
Aug 2021	I order security cameras	Because of the applicant's threatening behaviour, safety is a concern.
Aug 2021	A new TPHS Instagram account created	New TPHS account is under the name Martin Ross
Aug 2021	Applicant posts a video telling the hockey school that <u>the rink will be done by mid October.</u>	Video shows the applicant taking tree debris from backyard to road and saying he knows the neighbours don't like the rink. https://drive.google.com/file/d/1jp1fhHwCPaBmiiDJ404K_tQbnGS_XYMR/view?usp=sharing
Aug 16	<p>The applicant dumps tree debris at the curb.</p> <p>Bylaw intervenes.</p> <p>The applicant moves debris to Toogood pond.</p> <p>Bylaw intervenes.</p> <p>Remaining stumps are moved to the back and front yard of 233 main.</p> <p>I hear a screaming match full of swearing with a neighbour regarding this issue.</p>	

DATE	ACTIVITY	COMMENTS / PHOTO/ VIDEO
Aug 19	The applicant Reposts the previously deleted police video and adds smiley faces and "one of the neighbours called"	 <p>torontoprohockeyschool Throwback Thursday - Seeing we got hacked a few months back and so much good content went with it 🥰. Every Thursday we will post an older post from our previous account. Starting off with what I think was one of the best. One of the neighbours called 🥰 #covidpolice #ridiculousness #really #checkouttheirfaces tho 🥰🥰 #hockeypolice #covid_19 #outdoorhockey #hockeyoutdoors #odr #freetshirt #partinggift #throwbackthursday #throwbackpost #throwback #classic</p>
Aug 29	Trees being cut down. I ask the workers if they have a permit and they say yes but city arborist later tells me they don't.	https://bit.ly/3EF6Lig https://bit.ly/3CB5MPg https://bit.ly/3i3xOuTg
Aug 30	Trees being cut down again at 233 main st.	City arborist comes to my door and other neighbours' doors to ask for access to view the backyard of 233 Main because the applicant won't give them access. The applicant films them in my backyard.
Aug 30	Second charge for illegal tree cutting	https://drive.google.com/file/d/1R-NQXL07GtsPJyhFE8dwWkYED7F4owde/view?usp=sharing
Sept 2021	I speak with bylaw about the continued noise from 233 Main st.	Bylaw says the applicant admitted he was playing the music to annoy the neighbours and that he doesn't care if he is fined.

Thank you for considering this deputation,

Margaret Hough and JP Gagnon, [REDACTED] Unionville.

URA Deputation to DSC September 27th 2021 re 233 Main Street Unionville Heritage Application Rear Yard Sports Pad

This deputation is on behalf of the URA (Unionville Residents Association) and is in support of the many residents who oppose this application, and very much against the approval recommended in the staff report.

Dear Members of Council,

The minutes of the July 14th 2021 meeting of Heritage Committee report on this matter that *“some of the work has already been undertaken on the property without any approvals. Trees were cut down without permission, and the concrete sports pad has already been built. The owner is now seeking permission for the completed and proposed work.”*

Emails and other sources from directly affected neighbours further indicate that other by law violations have taken place, and that the owner has indicated, verbally and on social media, that he intends to run a business using the pad at this location, the large logo for the business is on the pad. The staff report says *“The applicant has indicated that the rink/sports pad is for use by family/friends and is not a commercial venture (which is not permitted in a residential area)”*.

If this was your child, if this was your employee, would you reward this behaviour with a no strings attached retroactive approval? What requires the City to approve this application under these circumstances?

Some suggestions:

1. Please get legal opinion as to whether the City is in fact able to deny the application with the known facts, as recommended by Heritage Committee.
2. Can the City insist that mature trees be replanted in or close to their original locations to restore the Heritage appearance, not just from Main St but also for the many adjoining neighbours? If this entails removal of the pad, so be it.
3. If again, after legal advice, there is deemed to be insufficient evidence, despite the above and neighbour's depositions, that the intention is to run a commercial venture, can an affidavit be insisted upon as a condition of any further approvals? Such affidavit attesting to an acceptance by the applicant to the requirement for no commercial venture, and with large penalties for noncompliance?

4. How quickly can the City and/or YRP react to the start of any commercial venture and shut down it down quickly?

5. It's troubling that a resident can seemingly ignore violation notices and continue with the same activities, indeed expand upon their scope. Does the City have the necessary legal instruments and enforcement staff to prevent such behaviour, are the fines sufficient deterrent, especially if a possible business is involved, and can collection be adequately enforced?

Thank you for taking the time to read this, and please carefully consider;

- The immediate impact of any approvals on the many directly affected neighbours, including the City's ability if any to limit rink use noise.
- Any potential use of the nearby library and church for client parking.
- Any impact on the future work and value of Heritage Committee if such a key recommendation is overturned.
- The creation of unfortunate precedents when it comes to ignoring by laws and the need to "beef up" bylaw enforcement in general.