

Delegation For July 3rd Meeting

Good evening, members of council and staff. My name is Josh Boersen of the Reform Coalition of Perth East. We are here this evening to speak to you about the resolution made at the June 19th meeting to mail a flyer out to the residents of Perth East regarding the Property Standards bylaw.

The blame for any misinformation surrounding the property standards bylaw lies solely with Council and Municipal Staff. Deputy Mayor Rhonda Ehgoetz put forward a motion to defer the passing of this bylaw for two weeks to better inform the public and council. The majority of council foolishly chose to defeat this motion and pushed the appointment of the property standards officer forward. You had the chance to set the record straight and instead chose not to be open or transparent. To be frank, both of these characteristics are listed under the Township's Core Values, and were grossly lacking on this issue. We suggest it is high time that you started adhering to these values.

The ratepayers of Perth East are not responsible to pay for the mistakes of council and staff. This is your problem, you created this issue. It is not ours and it is deplorable that we should have to pay for this. The taxpayer is NOT your personal piggy bank, here to bail you out whenever you so chose. Deputy Mayor Rhonda Ehgoetz stated at the last meeting that not once but twice this council chamber was full of concerned citizens and council did nothing to ease their concerns, and therefore no amount of money should be spent on this letter to the residents. We could not agree more! If Council the CAO and staff felt they had to clear up any misinformation, they should pay for such expenses out of their own pockets, not the pocket of the ratepayers, the constituents they represent. Therefore, we demand that the Mayor, members of council, CAO and Staff whom promoted and voted in favor of this communication, refund to the township of Perth East any and all cost associated with this letter. This is your problem, you need to clean it up!

We ask how staff feels that the letter mailed out, signed by the council of Perth East, should be addressed as such, when council was NEVER provided the opportunity to vote and approve the finished letter. It would appear that the letter should be signed by the staff of Perth East as it was they who wrote and distributed said letter.

That staff would seemingly, with blatant disregard, ignore requests of council as to the method or content of the notice to Residents, then have the audacity to sign it as if it came from Council directly, is astounding!

Under no circumstances was the issue so pressing that staff needed to circumvent the proper channels and allow council the opportunity to further provide input to what should have been a draft notice, then following that, vote, as a whole, to proceed.

Why is council willfully and completely complicit in allowing staff to deflect the blame to them?

It is long overdue that council take the time to remind staff that they are duly responsible to council.

Finally, we would like to address the contents of the letter itself, as it would have been better titled "Here are SOME of the Facts."

The ongoing concern with comparing our various By-Laws to other municipalities, while good for reference, does NOT justify their existence or enforcement here. We ask this council to create rules that suit the needs and wishes of the constituents HERE!

To this point, the By-Law did NOT have any provision requiring a written complaint be received to instigate an investigation. Whether you adopt amendments this evening to that effect, does not make the statement made true at the time!

Given the amendments proposed to the Property Standards By-Law, the Officer acting under this MAY still arbitrarily enter upon property without consent. We have reviewed the Provincial Legislation and while there are limitations for access to dwellings, we can not find any "specific requirements" limiting this authority of access to property. *We would like to remind council that the definition of property from the building code is as follows:*

"property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property; ("bien")

Therefore: this bylaw does apply to barns, sheds, and all outbuildings. Simply stating that this bylaw does not apply does not make it true!

We are appreciative that you are drafting a biosecurity policy, we must remind you, however, that to our knowledge, no police force in Ontario has a biosecurity policy. This is not needed when you do not have the power of warrantless entry. When you remove warrantless entry, all other points become moot.

On this issue, the needs of the agricultural community, while imperative, should not hold sway over the rights of ALL residents. This matter applies to all residents of Perth East. Everyone has property rights, not just farmers!

The township has been able to successfully enforce the property standards in the township without the need for warrantless access to property for the last few years, we are confused as to why you would be so concerned to preserve this power?!

The fact of the matter is, the township has ALL of the tools it would need WITHOUT a property standards By-Law in place to ensure a comfortable, peaceful and beautiful place to reside.

We are not concerned with your THOUGHTS, HOPES or BELIEFS in what the property standards officer will do! We are concerned with what they MAY do. If you feel you can appease us simply with words you are mistaken, write it down! In black and white, in the By-Law as that is the only piece of evidence that will stand up in court.

We have presented very reasonable amendments to be made to council. These amendments, do very little to reduce the inspection power of the officer but do a lot to preserve citizens property rights! We suggest that you accept the suggestions we have made, we have included them here. We have amassed over 500 signatures in a petition to support these changes.

We have reviewed the comments from the CAO and the proposed amendments to the property standards bylaw as will be presented to council this evening. While this does appear to be a good first step we are confused as to why bits and pieces of this issue are being addressed, rather than a full review to be handled in one instance. Aside from this, there is a great deal of attention paid to the agriculture community in the township while ignoring the rest of the residents. These amendments do little to assuage the non agricultural residents concerns. Further, at no point should any complainants identity be withheld from the accused. This follows the jurisprudence of law in the province, in being allowed to know the accuser.

If you are truly concerned with appeasing the residents, council will remove ALL potential for unnecessary, unneeded and UNCONSTITUTIONAL warrantless entry to property! Your reluctance to do so will speak volumes!

This issue was brought up last minute, to be added just prior to the council meeting, giving us the impression that staff was perhaps hoping we wouldn't notice or may miss participating. Further to this, after the Mayor called a recess and declared council would return with closed session, we vacated council chambers as required. Suddenly we were informed, shortly thereafter, that a decision was made to rearrange the schedule, new business would be dealt with first. Perhaps this was an oversight, perhaps it was not. What I can assure you is, how it looked, as if the issue could be raised without us present.

Should the mayor come up with some BS excuse:

I would like to remind you that in the council policies it is stated that the agenda must be adhered to unless there is an agreement among council members to change the agenda.

Whether this took place or not we will not know, but we DO know that the Mayor called a recess and stated council would return with closed session.