

# Town of Whitby

## Staff Report

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### Report Title: Gateway Maintenance Program

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**Report to:** Committee of the Whole

**Date of meeting:** September 23, 2024

**Report Number:** CMS 10-24

**Department(s) Responsible:**

Community Services Department

**Submitted by:**

John Romano, Commissioner,  
Community Services

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
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**For additional information, contact:**

Paul Thistle, Director, Operational  
Services, 905.430.4333

Ryen Carleton, Manager, Right of Way  
Services, 905.430.4928

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### 1. Recommendation:

1. That Report CMS 10-24 be received for information;
2. That the Town's current level of service as identified as Option 1 in Staff Report CMS 10-24 for the maintenance of fencing, gateway features, decorative fencing and columns be continued; and,
3. That NUB Item GG-0022 "That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby" be removed from the New and Unfinished Business Listing.

### 2. Highlights:

- Since the mid-2000s, all fencing in new subdivisions were required to be installed on private property with developers/builders being required to include clauses in agreements of purchase and sale identifying that fencing on both private and municipal land shall be maintained by property owners.
- There are 63 gateway features within the Town, 19 of which are showing cosmetic damage and 2 that are structurally failing.

- There are nearly 7 kilometres of decorative iron fencing throughout the Town.
- There are nearly 600 masonry piers (columns) located throughout the Town.
- The Region does not maintain any fencing located on their right-of-way.
- Gateway features on Town property that are structurally failing, are removed, and replaced with sod.
- A jurisdictional scan of Ajax, Pickering, and Oshawa shows that none have a gateway maintenance program, nor do they maintain fencing including gateway features, iron fencing or columns on the Region's right-of-way.

### 3. Background:

This report incorporates aspects of the Town's fence maintenance program to provide context relating to gateway features in subdivisions throughout the Town.

As early as the 1980's, the Town had assumed the financial responsibility for most fences installed through the development process, to control the access, aesthetics, maintenance, and consistency of fences along the roadways of Town owned property. However, as the fences became more common and elaborate, the financial burden of maintaining these fences and gateway features became unsustainable.

In 2008, staff identified in report PW 37-08 that the Town maintained approximately 85 kilometers of fencing along Town owned or leased property (i.e. Hydro & CP corridors) and 17 kilometers of Regional fences. The inventory then, as is still the case today, is made up of several different fence types for different purposes. Fence styles and heights vary depending upon their location and purpose. The various types of fences include:

- Noise attenuation barriers (**acoustic fences**) - typically wood fences that have a screening or noise abatement function and are located on roadways and railway corridors adjacent to municipal property.
- Roadside non-acoustic (**decorative fences**) - fences have been used historically at corner lots and within subdivision developments and have consisted of wrought iron, aluminum, steel, and wood. Masonry gateway features and columns have been incorporated to distinguish and create entry features into new subdivision developments. Included under decorative fences for the purposes of this report are masonry sections (walls) of acoustic fences.
- **Divisional fences** adjacent to Town property - parkland, open space, walkways and school properties, typically comprising of chain link fencing.

In 2008, Council approved the staff recommendation to discontinue fence maintenance and the replacement of fences that were located adjacent to regional roads due to increasing cost pressures. Effective January 2009, the practice of the Town conducting regional road fence maintenance ended, including all masonry gateway features, columns and iron fencing located on regional roadways. This reduced the total inventory of Town maintained fencing from over 102 kilometers to 85 kilometers. Other key changes to the fencing program implemented around this time include:

- The Town's Construction Group took over the oversight of subdivision fences.

- Engineering staff refined and enhanced the design standards for fences, i.e. what is permitted, and where.
- Road layout designs in subdivisions were modified to increase the utilization of “window” streets to reduce acoustic fence requirements.
- Other than chain link divisional fences, all acoustic, wood screen and decorative fences, including masonry gateway features and iron fencing for new subdivisions, were now required to be placed on private property. Additionally, developers/builders were now required to include acoustic and decorative fence clauses in development agreements and purchase and sale agreements, identifying that the acoustic and decorative fences are owned and shall be maintained by property owners.

Due to the changes outlined above, the Town’s current inventory of acoustic fences and decorative fences maintained by the Town has changed little since 2008, since new fences are now all built on private property. Only the inventory of divisional fences has increased since this time.

**Current Status of Fencing and Gateway Features in Whitby**

In 2023, Council approved New and Unfinished Business Item No. GG-0022:

That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby.

Staff conducted an audit of all masonry gateway features within the Town, which included a high-level assessment of their condition. In all, there are 63 masonry gateway features totaling approximately 0.94 km. This total does not include gateway features that are located on private commercial property. Of the 63 gateway features, 31 features totaling 0.49 km are located within the Town’s right-of-way or on the property line. The remaining 32 features totaling 0.45 km are located either on the Region’s right-of-way or completely within private property. Similarly, there are nearly 600 masonry piers (columns) incorporated into various fencing throughout the Town, both within the Town’s right-of-way, Region’s right-of-way, or private property.

Of the nearly 7 km of iron fencing within the Town, only 3% (0.21 km) is within the Town right-of-way and only 1% (0.06 km) is within the Regional right-of-way with the remaining 94% (6.72 km) located completely within private property.

The table below outlines the current inventory of fencing throughout the Town:

	<b>Town Owned</b>	<b>Region Owned</b>	<b>Private</b>
Acoustic Fences	19.01 km	16.5 km	N/A
Divisional Fences	77 km	Unknown	Unknown
Decorative – Masonry	31	23	9

Decorative – Iron	0.21 km	0.06 km	6.72 km
# of Masonry Columns	281	39	253

**Current Practices and Assessment of Fences and Gateway Features**

Currently, Operational Services has an annual capital budget of \$230,000 for the replacement of acoustic fencing located within the Town’s right-of-way. This budget is allocated each year to a contracted service provider through an annual tender. In 2023, the low bid and successful respondent provided pricing averaging \$393 per linear metre. Based on current tender pricing and the Council-approved budget of \$230,000 to replace fencing owned by the Town, it will take approximately 33 years to replace all Town-owned wood acoustic fencing. All acoustic fencing replaced through this program is completely at the Town’s cost, with no cost to the homeowner.

Town staff provide emergency repairs for small to medium segments of fences owned by the Town, with an annual \$13,000 operating budget for supplies. Also, the parks maintenance division has an annual operating budget of \$40,000 specifically for supplies and materials for divisional chain link fence repair.

Currently, there is no capital or operating budget to rebuild or repair masonry gateway features, columns or decorative iron fencing located on the Town’s right-of-way. Current and past practice has been that masonry features, columns or iron fences which are placed on Town property or property line, and which are structurally unsafe and failing, the features would be removed and replaced with sod. Where a masonry feature is incorporated into an acoustic fence, it is removed and replaced with wood fencing. The cost of these removals is drawn from the annual capital and operating budgets as needed, and each time result in decreased available funding towards the acoustic fence replacement program. There are several locations throughout the Town where these removals have occurred, with an example shown below.



Anderson St and Solmar Ave – Damaged Masonry Feature 2014



Anderson St and Solmar Ave – After Removal 2018

Of the 31 (Decorative Masonry) gateway features located within the Town’s right-of-way:

- 18 are in excellent or very good condition;
- 6 are in fair condition; and,
- 7 have considerable cosmetic damage such as flaking brick surfaces.

None have been identified as a safety concern at this time. Of the 32 remaining (Decorative Masonry) gateway features located on Regional right-of-way’s (23) or solely on private property (9):

- 15 are in excellent or very good condition;
- 3 are in fair condition;
- 12 have considerable cosmetic damage; and
- 2 locations are structurally failing.

Despite the deterioration of these assets, the Region of Durham has consistently advised Town staff and residents alike, that they do not maintain acoustic or decorative fencing on Regional right-of-way’s including masonry gateway features.

### **Practices in other Durham Lakeshore Municipalities**

The Town currently dedicates more resources to fence maintenance and replacement than neighboring municipalities. While Whitby, Oshawa and Pickering have relatively comparable operating budgets for fence repair (Ajax does not have a fence repair budget), only Whitby has additional funds dedicated for an acoustic fence replacement program. Of these municipalities, including Whitby, none have a gateway maintenance program, nor operating or capital budget for this purpose and none complete repairs to fences or gateway features located on the Region’s right-of-way.

	WHITBY	OSHAWA	AJAX	PICKERING
Acoustic Fence Replacement Program	Yes	No	No	No
Acoustic Fence Replacement Program Budget	\$240,000	\$0	\$0	\$0
Gateway Feature Maintenance Program	No	No	No	No
Maintain Regional Fencing/Gateway Features	No	No	No	No

**4. Discussion:**

**Options for the maintenance of Whitby Fences and Gateway Features**

To provide high-level costing for the implementation of a gateway maintenance program, multiple options have been explored.

**Option #1: Maintain the Current Fence and Gateway Feature Maintenance Program (Status-quo).**

In this option, the Town would maintain its existing capital and operating budgets with respect to the repair and maintenance of Town-owned fencing. Gateway features, columns or iron fencing that are located on Town property and are structurally failing or have considerable cosmetic damage will be scheduled for removal, and replaced with sod or wood fencing, if part of an acoustic fence. The Town will not maintain gateway features, columns or iron fencing located on regional or private property.

The legal requirements to complete work beyond this scope and to enter onto private or Regional property would need to be assessed on a case-by-case basis. The Town would need to confirm whether each feature is on public or private property, which requires the services of a Land Surveyor. There are some examples where the gateway features cross over onto multiple properties. Features located on private property, or on a property line between Town property and private property, would require staff to prepare and execute a permission to enter agreement to access privately owned lands to inspect, maintain and if necessary, replace fences, features and/or columns. The Town does not typically undertake this kind of work on private property due to the potential liabilities involved.

An additional concern is that the Town often ends up in disputes with residents over the replacement of these types of structures (i.e. acoustic fencing), or of the result of the work completed on their property. While Town staff and contractors aim to return the area to what it was previously, work is often completed to the Town’s standard, which may be different from an individual homeowner’s standard. This creates discord



between the Town and its residents and takes a significant amount of staff time and resources to resolve.

**Option #2: Expand the removal of Failing/Unsafe Fences, Masonry Columns and Gateway Features.** This option would expand the current program to include gateway features, columns and iron fencing located on Regional or private property to remove those fences/features which are structurally failing or have considerable cosmetic damage and replace them with sod or wood fencing (if part of an acoustic fence). Iron fencing has been included in this option to provide a consistent approach regarding the aesthetics of fencing throughout the Town.

One-time costs to remove the additional masonry features and columns and replace with sod, based on their current condition, is estimated to be approximately \$474,000. One-time costs to remove iron fencing, based on their current condition, is estimated to be approximately \$105,000 (\$150/m for 0.7 km) to remove approximately 10% of the total iron fencing. Once these gateway features, columns and iron fencing have been removed, on-going costs for the remaining 18 features, nearly 300 columns and over 6 km of iron fencing located on Regional rights-of-way or private property are estimated to be approximately \$106,000 per year based on a 25-year lifecycle replacement schedule. All costs related to this increased service level would need to be added to future operating and capital budgets as they are not funded at this time.

A comprehensive review of the remaining features would need to be completed to more accurately determine the remaining lifecycle of each gateway feature, column, and section of iron fence. Future funding for an external consultant to complete this assessment would be required.

**Option #3: Expand the Fence/Gateway Feature Maintenance and Replacement Program.** This option would extend the fence maintenance program and to increase service levels for all gateway features, columns and iron fencing located on Town, Regional or private property to include full restoration or replacement if they are structurally failing or have considerable cosmetic damage. In this scenario, many features with significant cosmetic damage would likely need to be fully removed and re-built for a variety of reasons (e.g., internal water damage, footing damage, difficulty matching brick colours, etc.).

Because each gateway feature and column condition and design are unique, staff cannot provide a detailed estimate of replacement costs at this time. Based on pricing that the Town has received for 3 masonry gateway features, it is estimated that repair/replacement costs would range from \$80,000 to \$100,000 per feature plus \$7,500 per column. A high-level estimate based on the replacement costs received would total approximately \$1,817,500 to \$2,217,500 for 20 features, and 29 columns (10% of total) based on their current condition. One-time costs to remove and replace iron fencing based on current condition is estimated to be approximately \$455,000 at \$650/m for 0.7 km of fence.

Once these features, columns and iron fencing have been re-built, on-going costs are estimated to be approximately \$420,000 per year based on a 25-year lifecycle replacement schedule. Similar to Option #2, a comprehensive review of the remaining

features would be needed to more accurately determine remaining lifecycles; however, it is anticipated that ongoing costs would be considerably higher than Option #2.

## 5. Financial Considerations:

**Option #1** is status quo with no financial impact. The Town would continue with a \$230,000 annual capital project for the replacement of acoustic fencing located within the Town's right-of-way. Staff recommend this option as the Town currently has an annual funding gap of approximately \$11 million per year to keep the assets and infrastructure (such as roads, sidewalks, bridges, storm water) in a state of good repair. As outlined in the [June 10, 2024 Staff Report FS 31-24 on the Town of Whitby Municipal Asset Management Plan Update](#):

- The Town's existing infrastructure is in generally good condition with an overall health grade of "B" (94.7% are in fair to very good condition and 5.3% are in poor to very poor condition.);
- For the Town's existing infrastructure assets, the 10-year average annual financial requirement/forecasted spend is \$41.8 million/year based on the Municipal Asset Management Plan.
- The Town's current funding levels (from various sources) for asset replacements is currently \$31.0/year.
- Therefore, there is an annual funding gap of \$10.8 million (= \$41.8 – 31.0).

Increasing the Town's service levels with respect to gateway/fence maintenance (as outlined in Options 2 and 3) would only increase the \$11 million infrastructure funding gap and increase the pressure to increase property taxes in order to fund the enhanced program.

**Option #2** would require additional one-time funding of approximately \$579,000. This one-time funding will be required to remove the identified masonry gateway features, columns and iron fencing that have exceeded the ability to be repaired. The remaining 18 features, nearly 300 columns and over 6 km of iron fencing will require additional property tax-based funding support for the increased maintenance service level. This annual cost is estimated to be \$106,000 per year.

**Option #3** would require additional one-time funding of approximately \$2,272,500 to \$2,672,500. This one-time funding is for 20 gateway locations, 29 columns (10% of total), and 0.7 km of iron fencing, based on their current condition. The restoration/replacement requirements in future years will need to be included as a capital budget request. Costs for on-going maintenance for all gateway features, columns and iron fencing will require additional property tax-based funding support for the increased service level. This annual cost is estimated to be \$420,000 per year.

## 6. Communication and Public Engagement:

N/A

## 7. Input from Departments/Sources:



Right-of-way Services has consulted with Legal Services, Financial Services and Operation's Roads/Traffic in the preparation of this report.

**8. Strategic Priorities:**

This Report supports the Town's Community Strategic Plan under:

Pillar 4: Whitby's Government, Accountable & Responsive

- Objective 4.3.2: Identify, establish, and report on service levels of interest to the community.
- Objective 4.4.1: Deliver services that respond to community needs while balancing the impact to taxpayers.

**9. Attachments:**

N/A