

Lack of foresight and red tape combine to frustrate homeowner

By LISA RUTLEDGE
The Herald

Even if anyone wanted to buy Ian Forbes' house the interested person couldn't turn into his driveway.

Because he doesn't have one. Mr. Forbes and partner Andrew Fleming have been trying to sell their 32 Main St. North, Georgetown home since February. However, the driveway, or rather the lack of the driveway, always presents a sale roadblock.

The Town of Halton Hills will not allow Mr. Forbes and his partner to add a driveway to the residence because the house is too close to the railroad bridge located between Henry and Ewing Streets on Highway 7. The lot is boxed in between Highway 7, two adjacent lots and the backyard of a neighbor.

Mr. Forbes, who previously rented the home to his sister, has recently invested in a new roof, new furnace and has even repainted throughout the finished basement. But the home continues to sit on the market as it has for the past six months.

Johnson and Associates real estate representative, Iris Irwin, has approached the town on several occasions to see what could be done about obtaining a permit to add a driveway.

"It's a good little house with all kinds of room but it doesn't have vehicle access," Mrs. Irwin said. She added that an inactive market, which has produced greater buyer opportunities, has only compounded the ill-effects of not having a driveway.

Nearly 40 people have looked at the home. The original price was listed at \$159,000 but has since been dropped to \$135,000, said Mrs. Irwin, adding that the home has an attractive mortgage. Two offers were made, however, both fell through, she said.

Although Mrs. Irwin said she is desperately trying to sell the

home, she said everyone at the home is told no driveway access is included. And she received the same hesitant responses every time.

Mr. Forbes, an Etobicoke resident, said real estate agents who have looked at the house told him lesser quality bungalows in the same price range are selling faster than his home. The 30-year-old three-bedroom bungalow is equipped with two full bathrooms and two kitchens.

"I've been told this house is much more liveable than many others on the market," Mr. Forbes said. "It's just the driveway."

Admitting he was inexperienced when he bought the house three years ago, Mr. Forbes said he didn't realize Halton Hills could prevent his from adding a driveway. According to the previous owner, said Mr. Forbes, no one had ever tried to put in a driveway before and didn't see any problem in adding one. Mr. Forbes said the big backyard and good price seemed a good investment at the time.

George Murdych, a development technician with the Town of Halton Hills, said the town owns a one-foot reserve across the front of the 32 Main St. North property. Since that one-foot reserve is owned by the town, no vehicle can cross the reserve, said Mr. Murdych, adding that the town is not prepared to issue a permit to build a driveway in the future.

A permit would never be issued because the house is located at the peak of the railway bridge and anyone driving out of the property has poor visibility capabilities.

said Mr. Murdych. He explained if the property owners took it upon themselves to drive vehicles on and off the lot and an accident occurred, the town would not be held responsible.

Bob Ustrzycki, a town bylaw enforcement officer, said anyone accessing the property by vehicle is violating a curb crossing bylaw under the Municipal Act. Vehicles can only cross a sidewalk at designated entrances otherwise the town can fine the owner a maximum of \$2,000, said Mr. Ustrzycki. The municipality also has the right to repair any damages done to the curb and hand the bill to the homeowners, he said.

Mr. Ustrzycki explained that if the property owners believe they are being overtaxed because they don't have a driveway, they can appeal and have the property reassessed.

Stephen Thomson, administration assistant for the town, said the town will likely never release its ownership of the one-foot reserve across the front of the property. Mr. Thomson said refusing to give up the reserve is a "good technique" to prevent a driveway permit from ever being issued for the Main Street address. Essentially, until the town releases the one-foot reserve, it could charge anyone who drives a vehicle onto the lot with trespassing.

As a last resort selling feature, Mr. Forbes joked he may just have to add a swimming pool.

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No driveway, no sale. Ian Forbes, part-owner of a 32 Main St. North, Georgetown home, can't sell his house because it doesn't have a driveway. The Town of Halton Hills won't issue a permit because a driveway would be a visibility hazard. The town also owns a foot-wide strip of the property front making vehicle access a trespassing offence. (Herald photo)

Train tragedy

A woman, whose name police have not yet released, was struck by a train and killed at 1:30 p.m. near Cumberland and Fairview Roads in Burlington, Monday.

Police say the woman was walking on the tracks at the rear of a local mall. The woman was pronounced dead at the scene. Positive identification is pending.

Burlington Division 3 police are investigating the fatal incident.

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