



Bob Aaron bob@aaron.ca

May 31, 2008

Check the noise level before you purchase

Next month marks the official beginning of summer, the season when many city folk retreat to their cottages to de-stress and to absorb some much-needed peace and quiet. Unfortunately, it doesn't always turn out that way.

Earlier this month, I wrote about access roads in cottage country. Under Ontario law, if a property is landlocked with no deeded rights to get to the nearest public road, the owner of the property is entitled to travel to it over an access road on someone else's land.

That column prompted a lengthy email from Stephen Harvey, of Sault Ste. Marie, about problems he is having with the access road to his cottage.

"I am the owner of a couple of hundred acres in God's country and have a cottage on a quiet lake," Harvey wrote. "A road traverses the property and has been the subject of great contention since we bought the property 10 years ago."

The road, Harvey told me, is recognized as an "access road" under Ontario's Road Access Act. None of the seven neighbouring cottagers has a registered right of way to get to their properties. After considerable discussion, the cottagers agreed on the location and dimensions of the access road and hired a land surveyor to document it.

The problem, Harvey told me, is with the road's use. All seven families have agreed that the purpose of the road is to drive to and from the cottages by car or truck, or to walk along the road, as long as nothing is disturbed and no hunting takes place.

A couple of the cottagers have all-terrain vehicles (ATVs), which like other recreational vehicles, can be used as tools to get somewhere or do something, or they can be used for riding for fun.

Harvey wrote, "For some users, the faster they can go the more fun they are. They are also quite noisy and they can be quite dangerous.

"We have asked that people not use ATVs on the road," Harvey says. "The OPP have said they are virtually powerless to do anything because the Road Access Act says that access roads can be used by motor vehicles and an ATV is a motor vehicle."

Neither the Off-Road Vehicles Act nor the Road Access Act offers Harvey and his neighbours the tranquility they wanted by locating their summer homes in the middle of nowhere.

Country dwellers are not alone in their quest for peace and quiet. I continue to receive emails from local readers who complain about noisy neighbours and noisy neighbourhoods everything from activities in adjoining residential units, to environmental noise or noise pollution from things like streetcars, nightclubs, the Toronto Grand Prix, CNE Air Show, Caribana, Wakestock and the airplanes using the Pearson and City Centre airports.

Perhaps Canada needs something like Britain's Crime and Disorder Act, 1998. The legislation was designed to combat graffiti, abusive language, excessive noise, littering, drunkenness, racial abuse, prostitution and drug dealing among other social problems.

Under the Act, an "ASBO" anti-social behaviour order can be issued to deter or prevent behaviour that causes harassment, alarm or distress to one or more people.

Back in December 2005, a local council in Paisley, Scotland, threatened to issue an ASBO against 13-year old Andrew Caulfield if he didn't stop practising the bagpipes outside his home.

There is no similar law on this side of the pond. The lesson of today's column is before you buy a home or cottage, make sure you are comfortable with the noise level of the surrounding area.

I'm not sure which is worse: ATVs or bagpipes.