

From: Markus Brunner

Sent: Monday, April 11, 2016 11:15 PM

To: Office of the Mayor; Johnson, Aidan; Farr, Jason; Green, Matthew; Merulla, Sam; Collins, Chad; Jackson, Tom; Skelly, Donna; Whitehead, Terry; Conley, Doug; Pearson, Maria; Johnson, Brenda; Ferguson, Lloyd; arlene.vanderbeck@hamilton.ca; Pasuta, Robert; Partridge, Judi

Reply To: Markus@forestcitypools.com

Cc: Robert Wood

Subject: Council Meeting Wednesday April 13/2016

Your Worship Mayor Fred Eisenberger & City of Hamilton Councilors,

I thank you in advance for reading my email.

I am currently the President of the Pool & Hot Tub of Canada and have owned Forest City Pool & Patio Inc. in London for 30 years. I have seen all kinds of rules and regulations in that time and have participated with the City of London and their fencing by-laws over that time period. In 2011 London faced the same situation as Hamilton does now. It was proven through statistics that 4 sided fencing has no bearing on whether a child can enter the pool area or not.

A recommendation of Four sided fencing isn't the only solution and in fact wasn't the solution at all for the drownings that occurred in 2010. In that time period 8 children under the age of 5 drowned in Pools/pond situations. The details are as follows;

1. Two of the drownings were in Above Ground Pools, where there the child climbed the ladder to get into the pool. Most above ground pools are approximately 5'-0" in height ABOVE the ground.
2. One Drowning was in a backyard pond , water depth wasn't noted but if the pond is less than 2' water depth, further drowning's of this type can still occur with the new proposed List of Recommendations. The proposed "grate" over ponds to bring the depth to under 24" that a four sided fence around the pond isn't needed, is pretty much impossible with typical pond construction. At the planning committee meeting it was suggested that it's a simple task to add a grate but I challenge anyone to show us the simplicity of that task to add a grate with the odd shapes and sizes of natural ponds these days.
3. Three of the drownings mentioned in the report had a **Four sided Fence** but the gates were broken or propped open so the child gained access to the pool. Further drownings of this type can occur with the new proposed List of Recommendations.
4. Two other drownings were open access yards. There is no data if there was four sided fences or boundary fences in these 2 instances.

It would be great if we could standardize fencing throughout the province and throughout the Country. We need to start with Boundary fencing first to ensure all properties with pools have the minimum boundary fence and ensure that all

municipalities have a Pool Fence By-Law. That should be standard across the province. The Pool & Hot Tub Council has a great swimming pool fence By-Law in place that could be used as a template. A lot of the small communities on the outskirts of larger Cities have pools and no fencing around the pool or yard at all. The pool is simply on the property with no fence. We truly believe that we need to promote LAYERS of protection to be the solution to reducing or eliminating these tragedies and not rely solely on mechanical devices that can be over-ridden or broken, such as gates.

The Pool and Hot Tub Council of Canada recognizes the Importance of making our backyard swimming pools and hot tubs as safe as possible. Supervision is the most important element in swimming pool safety; however, years of experience in designing, building, installing and servicing swimming pools and hot tubs has taught us that prevention of accidents takes several layers of protection. The primary one being "The only solution to child safety concerns is the direct and constant supervision of children around bodies of water."

In closing we are thankful as a group that you respect our industry and have invited us to participate with our comments and views to your proposed by laws. We hope we can carry this relationship on in the future. That being said we feel we were not given the proper amount of time at the planning committee meeting on April 5th to deliver our experience and expertise in this field. We were told that we were allowed 5 minutes to present and that no one else from our industry other than Robert Wood, who is the Executive Director of the Pool & Hot Tub Council and myself the President, were allowed to present. 5 minutes is only long enough for a basic introduction to our position on the issue. We were surprised that the presenter for the City of Hamilton spoke approximately 20-25 minutes and the Chair of the meeting spoke about a personal experience for over 5 minutes she had years ago. Why is it we were not allowed to do a proper presentation on our position of proposed by-law at the planning committee meeting? Why is it that we weren't told at the public meeting in February that all members of the public were welcome? It was all of our understandings that after the February public meeting that ONLY Mr. Wood and myself could apply to speak at the planning committee meeting but a request had to be submitted and approved before we could attend. We have an email exchange that approves our presentation request but it had to be limited to 5 minutes. Again the question is why only 5 minutes when other people presenting with other issues had as long as they wanted and people from the public were welcome?

The Pool & Hot Tub Council would ask you for one of the following to consider:

1. An opportunity to speak our position at the Council meeting April 13th 2016 or;
2. The proposed bylaw should be sent back to planning Committee to allow proper public delegation from the industry.

Please let us know tomorrow what we can expect at the Wednesday council meeting and whether we will be able to speak at that meeting. I plan on attending that meeting and am available tomorrow via cell phone or email to discuss further.

Thank you in advance for your consideration to listen to our views as an industry who cares about safety and education in drowning prevention.

Yours truly,

Markus Brunner
President
Pool & Hot Tub Council of Canada

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