

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 4008

A BY-LAW to regulate swimming pool enclosures in the Town of Tillsonburg.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act*"), provides that municipal powers shall be exercised by-law;

AND WHEREAS subsections 11(1), (3) and (4) of the *Municipal Act* authorize the municipal council ("**Council**") of The Corporation of the Town of Tillsonburg (the "**Town**") to provide certain services and things that the Town considers necessary or desirable for the public, including the passage of by-laws respecting fences, signs and other structures;

AND WHEREAS the Town may enact by-law provisions that (without limitation) create offences, impose fines, authorize orders to achieve compliance or discontinue contraventions, authorize inspections, authorize remedial work and provide for the collection of remediation costs, pursuant to Part XIV of the *Municipal Act*, including sections 425, 429, 435 - 438, 441.1 and 444 - 446;

AND WHEREAS Council deems it desirable and expedient to regulate swimming pool enclosures in the Town of Tillsonburg;

NOW THEREFORE Council hereby enacts the following:

SECTION 1

SCOPE OF BY-LAW

1.1 SHORT TITLE

This By-law, as amended from time to time, shall be known as the "Pool Enclosure By-law."

1.2 INTENT AND SCOPE

The purpose of this By-law is to regulate Swimming Pool Enclosures within the Town of Tillsonburg.

1.3 CONTENT OF BY-LAW

All references in this By-law to sections, requirements, exceptions, tables, figures, schedules and maps, refer to those in this By-law unless otherwise indicated. Headings given in this By-law are for convenience only, and do not form part of this By-law.

1.4 RELATION TO OTHER GOVERNMENT REQUIREMENTS (COMPLIANCE WITH OTHER REGULATIONS)

This By-Law shall not be construed so as to reduce or mitigate restrictions or requirements that are Lawfully imposed by the Town or by any governmental authority. Without limiting the foregoing, compliance with this By-Law does not relieve any Person from complying with:

- (a) Legislation or regulations imposed by the Governments of Canada or Ontario, including (without limitation) the Ontario Building Code, O. Reg. 332/12; and
- (b) By-Laws enacted by the County of Oxford or other By-Laws enacted by the Town.

SECTION 2

DEFINITIONS AND INTERPRETATION

2.1 DEFINITIONS

The terms set out below shall have the following meanings in this By-Law:

“Building” means any structure consisting of one or more of a wall, roof or floor, and used or intended to be used for the shelter, accommodation or enclosure of Persons, animals, or goods.

“Chief Building Official” means the Chief Building Official of the Town.

“Construct” means to do anything in the erection, installation, extension or material alteration or repair of a structure, including (without limitation):

- (a) Anything in the erection, installation, extension or material alteration or repair of a Building, Swimming Pool Area, Swimming Pool Enclosure or Temporary Enclosure;
- (b) The installation of a structure fabricated or moved from elsewhere, including (without limitation) the structures listed in (a); and
- (c) Work in preparation for any of the acts described above; and “construction” has a corresponding meaning;

“Corner Lot” means a Lot situated at the intersection of two Street Lines with an interior angle of intersection of not more than one hundred and thirty-five (135) degrees, provided that:

- (a) Where the Lot abuts only one Street Line on a curving roadway, it is deemed to abut an intersection of two equal portions of that Street Line; and
- (b) Where either of the intersecting Street Lines is on curving roadway, the line used for calculating the angle of intersection will be the tangent drawn through the Lot’s point of extremity abutting that Street Line; and the corner of such a Lot will be the point at or closest to the Street Line intersection, but this definition shall exclude any portion of a lot further than 30 metres (98.4 feet) from the corner, measured along a Street Line.

“Council” means the Municipal Council of the Corporation of the Town of Tillsonburg.

“Effective Grade Level” at a given point means the highest level of the ground within 0.5 metres (3 feet 3 inches) horizontally in any direction from that point.

“Exterior” means the vertical surface of a fence, Swimming Pool Enclosure, deck or ramp, provided that such surface:

- (a) Does not face a Swimming Pool or Swimming Pool Area; and
- (b) Does not face the contained portion of the lands that is covered, delineated or enclosed by the fence, Swimming Pool Enclosure, deck or ramp.

“Gate” shall mean any part of a Swimming Pool Enclosure that opens on hinges, including (without limitation) a door located in the wall of an attached or detached garage or carport where such wall forms part of the Swimming Pool Enclosure.

“Hedgerow” means one or more hedges, bushes, shrubs, compact evergreen plantings, or any similar organic growth.

“Height” of any Gate, segment or feature of a Swimming Pool Enclosure means the vertical distance between the top of such Gate, segment or feature and:

- (a) The Effective Grade Level at that point, if the Gate, segment or feature is not located on or above a deck or similar platform; or

- (b) The surface of any deck or similar platform on or above which the gate or segment is located.

“Hydro Massage Pool” means a body of water that is encased artificially, whether located above or below grade, and includes (without limitation) a hot tub, Jacuzzi, spa or whirlpool.

“Lawful” means in accordance with the common law, statutes and regulations of Canada and Ontario, the by-laws of the County of Oxford and the by-laws of the Town other than this By-law;

“Lock” means a locking device designed to be unlocked or deactivated only with a key, password, combination or biometric identification, or some grouping of such methods.

“Lot” means:

- (a) A parcel of land with a boundary defined by an original survey or by a registered plan of subdivision, unless such registered plan of subdivision is designated by a by-law passed pursuant to subsection 50(4) of the *Planning Act*, R.S.O. 1990, c. P.13; or
- (b) A parcel or tract of land with a different registered owner (or registered owners) from adjacent lands.

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

“Officer” means an individual appointed by Council or by a designate of Council for the purpose of (or for purposes that include) enforcing one or more municipal by-laws, and includes (without limitation) the Chief Building Official.

“Owner” a registered owner of land, or any Person in control of land, including (without limitation) a lessee or an occupant thereof.

“Person” means an individual, firm, corporation, association or partnership.

“Sight Triangle” means the space formed by the intersecting Street Lines of a Corner Lot and a line drawn from a point on one of the said Street Lines to a point on the other said Street Line, provided that:

- (a) The line intersects both street lines at an equal distance from the corner of the Corner Lot; and
- (b) The line is 9 metres (29 feet 6 inches) from the *corner* of the corner lot at its closest point.

“Street Line” means the limit of the roadway allowance and is the dividing line between a Lot and a street or other roadway.

“Swimming Pool” means any body of water located outdoors on a privately owned Lot, whether above or below finished grade, and used or designed for swimming, diving or both, provided that such body of water:

- (a) Is contained at least in part by artificial means;
- (b) Has one or more points with a depth that may exceed 610 mm (24 inches); and
- (c) Has a potential liquid surface area exceeding 2.0 metres² (21.5 feet²); and includes (without limitation) a Hydro Massage Pool but does not include any decorative pond or storm water management pond.

“Swimming Pool Area” means the area of a Lot occupied by a Swimming Pool and any adjacent platforms, walkways, play areas or landscaped areas that are used, or are intended or capable of being used, in conjunction with the Swimming Pool.

“Swimming Pool Enclosure” means a wall, structure or Building, or any combination thereof, including (without limitation) a fence combined with a deck, that encloses a

Swimming Pool Area or any part of a Swimming Pool Area, but does not include a Temporary Enclosure.

“Temporary Enclosure” means a structure used for the purposes of temporarily enclosing a Swimming Pool or excavation.

“Town” means The Corporation of the Town of Tillsonburg.

SECTION 3

EXCLUSIONS

3.1 Existing Enclosures – Deemed to Comply

Notwithstanding the provisions of this By-law, any Swimming Pool Enclosure that lawfully existed prior to the effective date of this By-law shall be deemed to comply with this By-law and may be maintained with the same material, Height and dimensions as previously existed, including (without limitation) any repair work.

3.2 Required to Maintain

The Owner of any Lot shall maintain each Swimming Pool Enclosure thereon and ensure that it is in safe condition and in good repair.

3.3 Decorative Post Caps

The Height restrictions in this by-law will not include any decorative post caps or similar features that have been pre-approved in writing by the Chief Building Official, following the submission of construction drawings and other materials required by the Chief Building Official.

SECTION 4

SWIMMING POOL ENCLOSURE HEIGHT AND MATERIAL REQUIREMENTS

4.1 Swimming Pool Enclosure- Height Required

No Person shall have, Construct, maintain or permit to be Constructed or maintained a Swimming Pool Enclosure, or any part thereof, except in accordance with all of the following requirements:

- (a) Minimum Height of 1.52 metres (5 feet);
- (b) Maximum vertical distance of 50 mm (2 inches) from the Effective Grade Level to the bottom of the Swimming Pool Enclosure;
- (c) Maximum Height of 2.15 metres (7 feet); and
- (d) Members, attachments, bracing, rails or supports that could permit or facilitate climbing on the Exterior face of a Swimming Pool Enclosure shall not be located at a height of between 100 millimetres (4 inches) and 1.2 metres (4 feet).

4.2 Swimming Pool Area- Height- Raised Platform or Deck

No Person shall Construct a deck or ramp or part thereof serving a Swimming Pool Area with a vertical distance greater than 0.6 metres (2 feet) from the Effective Grade Level unless a continuous fence or other guard is Constructed and maintained on top of the deck or ramp and around such deck or ramp's Exterior perimeter. Such fence or guard shall have a minimum Height of 1 metre (3 feet 3 inches), and shall not be Constructed so as to facilitate or permit climbing.

4.3 Location- Swimming Pool Enclosure- Setback Requirement

No Person shall have, Construct, maintain or permit to be Constructed or maintained a Swimming Pool Enclosure, or part thereof, in either of the following locations:

- (a) Within 1.0 metre (3 feet 3 inches) horizontally of any permanent physical object, growth or geographical feature, or any combination thereof, that permits or facilitates the climbing of such Swimming Pool Enclosure; or
- (b) Within 1.2 metres (4 feet) horizontally from the nearest inside wetted surface of the Swimming Pool wall.

4.4 Swimming Pool Enclosure- Materials- Chain Link

No Person shall have, Construct, maintain or permit to be Constructed or maintained a Swimming Pool Enclosure, or any part thereof, using chain link materials unless such Swimming Pool Enclosure is pre-approved in writing by the Chief Building Official or meets all of the following requirements:

- (a) All chain link materials have a diagonal mesh length not greater than 38 millimetres (1.5 inches) consisting of 13 gauge galvanized steel wire, or of 11 gauge steel wire covered with vinyl, or consisting of another product approved by the Chief Building Official which would yield a total thickness equivalent to 12 gauge wire;
- (b) It has no rails, bracing or exposed attachments on the Exterior that could facilitate or permit climbing from the Exterior; and
- (c) Top and bottom rails are firmly fastened to upright posts, which rails consist of galvanized steel pipe at least 32 millimetres (1.25 inches) thick, provided that a continuous galvanized steel tension rod at least 5 millimetres (0.2 inches) thick may be substituted for the bottom rail.

4.5 Swimming Pool Enclosure- Materials- Vertical Panel

No Person shall have, Construct, maintain or permit to be Constructed or maintained a Swimming Pool Enclosure, or any part thereof, using vertical panel materials unless such Swimming Pool Enclosure is Constructed as pre-approved in writing by the Chief Building Official, or in accordance with all of the following requirements:

- (a) Vertical members are of at least 25 millimetres (1 inch) nominal thickness attached to a top and bottom rail;
- (b) Vertical members are not spaced more than 38 millimetres (1.5 inches) apart;
- (c) Support posts are at least 89 millimetres (3.5 inches) x 89 millimetres (3.5 inches) nominal dimensions;
- (d) Support posts are spaced not more than 2.4 metres (8 feet) apart;
- (e) Support posts extend at least 1.2 metres (4 feet) below the Effective Grade Level and are securely embedded into the ground;
- (f) Support posts that consist of wood are treated with an approved wood preservative or be of pressure-treated wood, encased in concrete; and
- (g) Top and bottom rails are firmly fastened to upright posts and are at least 38 millimetres (1.5 inches) x 89 millimetres (3.5 inches) nominal dimensions.

4.6 Swimming Pool Enclosure- Materials- Metal Picket

No Person shall have, Construct, maintain or permit to be Constructed or maintained a Swimming Pool Enclosure, or any part thereof, using metal picket or tube construction unless such Swimming Pool Enclosure is Constructed as pre-approved in writing by the Chief Building Official, or in accordance with all of the following requirements:

- (a) Vertical members are spaced not more than 100 millimetres (4 inches) apart;
- (b) Vertical members are attached to a supporting structure that does not contain any diagonal members or framework and does not otherwise facilitate or permit climbing;
- (c) Posts extend at least 1.2 metres (4 feet) below the Effective Grade Level and are securely embedded into the ground;
- (d) Posts are spaced not more than 2.4 metres (8 feet) apart; and
- (e) Top and bottom rails are firmly fastened to the vertical members, maintain a minimum 1.2 metres (4 feet) vertical separation at all locations and are at least 25 millimetres x 6 millimetres (1.0 inches x 0.25 inches) in dimension.

SECTION 5

SWIMMING POOL ENCLOSURE GATES

5.1 Swimming Pool Gate- Requirements

No Person shall have, Construct, maintain or permit to be Constructed or maintained a Gate except in accordance with all of the following requirements:

- (a) The Gate's construction type and Height matches all other requirements applicable to a Swimming Pool Enclosure pursuant to this By-law;
- (b) The Gate is supported on hinges of sufficient quantity and strength to safely allow entrance and exit at all times;
- (c) The Gate is self-closing and equipped with a self-latching device placed on the side facing the pool;
- (d) Each self-latching device has a minimum height of 1.2 metres (4 feet);
- (e) The Gate is equipped with an operable Lock; and
- (f) The Gate is kept locked at all times except when the Swimming Pool is in use.

5.2 Swimming Pool Enclosure- Entrance Through Garage

No Person shall have, Construct, maintain or permit to be Constructed or maintained an entrance to a Swimming Pool Area through a door from a detached or attached garage unless the door complies with subsection 5.1 of this By-law.

SECTION 6

TEMPORARY ENCLOSURE

6.1 Temporary Enclosure- Required

No Person shall have, Construct, maintain or permit to be Constructed or maintained a Swimming Pool unless a Temporary Enclosure or Swimming Pool Enclosure is already installed in accordance with this By-law.

6.2 Temporary Enclosure- Materials

No Person shall have, Construct, maintain or permit to be Constructed or maintained a *temporary enclosure*, or any part thereof, except as pre-approved in writing by the Chief Building Official or in accordance with all of the following requirements:

- (a) Minimum Height of 1.2 metres (4 feet);
- (b) It consists of mesh fence with the diagonal mesh length not greater than 38 mm (1.5 inches); and
- (c) It has steel T-bar supports installed every 3 metres (9.8 feet) with a 9 gauge galvanized steel wire located at the top and bottom of the Temporary Enclosure.

6.3 Temporary Enclosure- Replacement

No Person shall have, use, maintain or permit to be used or maintained a Swimming Pool unless a Swimming Pool Enclosure is installed in accordance with this By-law.

SECTION 7

HYDRO MASSAGE POOL

7.1 Hydro Massage Pool- Secure Cover

No Person shall have, Construct, maintain or permit to be Constructed or maintained a Hydro Massage Pool, unless the hydro massage pool includes a cover capable of closing the opening to the Hydro Massage Pool, featuring an operable Lock.

SECTION 8

ADMINISTRATION AND ENFORCEMENT

8.1 Subject to sections 435 and 437 of the *Municipal Act*, including the provision of notice to an occupant of land when required, and production of the Officer's identification when requested, an Officer may enter land or a Building at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) This By-law;
- (b) A direction, authorization, requirement, condition or order made under this By-law; or
- (c) An order made under section 431 of the *Municipal Act* in respect of a contravention of this By-law.

8.2 No Person shall remove an order, notice or direction posted on land or on a structure indicating that it was posted under this By-law, except an Officer.

8.3 An Officer may, for the purposes of an inspection under this By-law:

- (a) Require the production for inspection of documents or things relevant to the inspection;
- (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) Require information from any Person concerning a matter related to the inspection, including (without limitation) requiring expert or other examinations, testing, reports or as-constructed plans to be obtained and provided; and
- (d) Alone or in conjunction with a Person possessing special or expert knowledge, make

examinations or take tests, samples or photographs necessary for the purposes of the inspection.

- 8.4 A receipt shall be provided for any document or thing removed under subsection 8.3 and the document or thing shall be promptly returned after copies or extracts are made.
- 8.5 Any sampling done during an inspection shall be done in accordance with subsections (3) and (4) of section 436 of the *Municipal Act*.
- 8.6 An inspection requirement, direction or order made to a Person under this section may be given verbally, but where the Town intends to act upon such matter at the expense of the Person, the requirement, direction or order shall be made in writing and provided to the Person in accordance with the notice provisions of this By-law.
- 8.7 An Officer may undertake an inspection pursuant to an order of a court issued under section 438 of the *Municipal Act*, provided however that in the case of an order authorizing an inspection of a room or place actually being used as a dwelling the occupant is given notice concerning when the inspection will be carried out.

SECTION 9

VARIANCE AND DELEGATION OF AUTHORITY

- 9.1 Any variance from this By-law will require the approval of Council. Such variance application will require a site plan showing the location of the proposed Swimming Pool Enclosure and drawings showing the type and Construction of the Swimming Pool Enclosure. The variance application will be submitted on the form prescribed by the Chief Building Official, and the Chief Building Official shall make a recommendation to Council regarding the disposition of the application. Decisions of Council are final. Council hereby delegates authority to the Chief Building Official with regard to the receipt and disposition of variance applications under this By-law, as Council is of the opinion that the delegated powers are of a minor nature.

SECTION 10

SWIMMING POOL ENCLOSURES – ADDITIONAL PROHIBITIONS

10.1 Prohibited- Organic Features

No Person shall have, use or permit to Construct or maintain a Hedgerow, earth berm, natural or manmade topographic features or any other organic feature as a Swimming Pool Enclosure or as a part thereof.

10.2 Prohibited- Abandonment

No Person shall abandon, discontinue or suspend the construction of a Swimming Pool Enclosure prior to full compliance with this by-law, or cause such Swimming Pool Enclosure to be left incomplete following the construction of a Swimming Pool.

10.3 Prohibited- Unsafe Condition

No Person shall cause or permit an unsafe or hazardous condition to occur during the Construction of a Swimming Pool or Swimming Pool Enclosure.

10.4 Prohibited- Location- Sight Triangle

No Person shall have, construct or maintain or permit to be Constructed or maintained a Swimming Pool Enclosure, or any part thereof, within a *Sight Triangle*.

10.5 Contravention of an Order

No Person shall contravene an order issued pursuant to this By-law.

10.6 Obstruction

No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-law, including (without limitation) carrying out an inspection.

SECTION 11

ORDER TO DISCONTINUE ACTIVITY

- 11.1** Without limiting the orders that an Officer may make pursuant to this By-Law, if an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened the By-law or who caused or permitted the contravention or who is the Owner of the land on which the contravention occurred to discontinue the contravening activity.
- 11.2** An order under this section shall set out:
- (a) Reasonable particulars adequate to identify the contravention to be discontinued and the location of the land on which the contravention occurred; and
 - (b) The deadline for compliance.
- 11.3** An order under this section shall be delivered in accordance with the notice provisions of this By-law.

SECTION 12

WORK ORDER

- 12.1** Without limiting the orders that an Officer may make pursuant to this By-Law, if an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened the By-law or who caused or permitted the contravention or who is the Owner of the land on which the contravention occurred to do work to correct the contravention.
- 12.2** An order under this section shall set out:
- (a) Reasonable particulars adequate to identify the contravention to be discontinued and the location of the land on which the contravention occurred;
 - (b) The deadline for compliance; and
 - (c) The work to be done, which may include obtaining all permits and inspections required by law.
- 12.3** An order under this section shall be delivered in accordance with the notice provisions of this By-law.

SECTION 13

FAILURE TO COMPLY AND COST RECOVERY

- 13.1** Where a Person defaults in complying with a direction, requirement or order under this By-law to do a matter or thing, an Officer or agent on behalf of the Town may, with such assistance from others as may be required, enter the land on which the contravention occurred at any reasonable time, and carry out such direction, requirement or order at the Person's expense.
- 13.2** In accordance with section 446 of the *Municipal Act*, the Town may recover the costs from the Person directed, required or ordered to do a matter or thing under this By-law,

by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes, and such costs shall include interest at an annual rate of 15 per cent.

- 13.3** For the purposes of subsection 13.2, interest shall be calculated for the period commencing the day the Town incurs the costs and ending on the day the costs including the interest are paid in full.
- 13.4** The amount of the Town's costs incurred plus interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.

SECTION 14

OFFENCES, PENALTY AND FINE RECOVERY

- 14.1** Subject to subsection 14.2, any Person who contravenes a provision of this By-law, and an officer or director of a corporation in the event of a contravention by a corporation, is guilty of an offence and upon conviction is liable to a fine or penalty as follows:
- (a) For a first offence, a minimum of \$350.00 and a maximum of \$5,000.00;
 - (b) For a second offence, a maximum of \$15,000.00; and
 - (c) For a third or subsequent offence, a maximum of \$30,000.00.
- 14.2** Any Person who contravenes any order made under this By-law, or an officer or director of a corporation in the event of a contravention by the corporation, is guilty of a continuing offence and upon conviction is liable to a daily fine or penalty of a maximum of \$2,500.00 for each day or part of a day that the offence continues, and despite subsection 14.1 the total of all the daily fines imposed for an offence is not limited by the maximums listed in subsection 14.1.
- 14.3** If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an *order*,
- (a) Prohibiting the continuation or repetition of the offence by the Person convicted; and
 - (b) Requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 14.4** Pursuant to section 441 of the *Municipal Act*, if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, including any extension of time for payment ordered under that section, the Town may give the Person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.
- 14.5** If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act*.
- 14.6** In accordance with sections 441.1 of the *Municipal Act*, any part of a fine or cost owing pursuant to this by-law or a related provincial offence may be added to the tax roll for any property in the Town of Tillsonburg for which all of the Owners are responsible for paying the fine or cost, and collect such fine or cost in the same manner as municipal taxes.

SECTION 15

NOTICE

- 15.1** Any notice pursuant to this By-law may be given in writing in any of the following ways and is effective:
- (a) On the date on which a copy is delivered to the Person to whom it is addressed;
 - (b) On the fifth day after a copy is sent by registered mail to the Person's last known address;
 - (c) Upon the conclusion of the transmission of a copy by facsimile to the Person's last known facsimile number; or
 - (d) Upon the sending of a copy by email transmission to the Person's last known email address.

SECTION 16

SEVERABILITY

- 16.1** In the event any section or sections of this By-law or parts of it are found by a Court to be illegal or exceed the power of the Council to enact, such section, or sections, or parts thereof shall be deemed to be severable and all other sections, or parts of this By-law shall be deemed to be separate and independent and shall continue in full force.

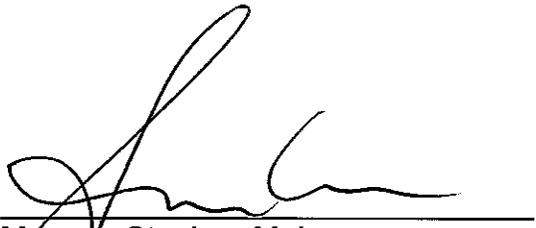
SECTION 17

EFFECTIVE DATE

- 17.1** This By-Law shall take effect on the date of its final passage by Council.

READ A FIRST AND SECOND TIME THIS 11TH DAY OF APRIL, 2016

READ A THIRD AND FINAL TIME AND PASSED THIS 25TH DAY OF APRIL, 2016



Mayor – Stephen Molnar



Town Clerk – Donna Wilson