

**Application for Fence Exemption  
178 Strathnairn Avenue**

<b>Date:</b>	April 24, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, District Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 12 – York South-Weston
<b>Reference Number:</b>	ML&S Folder Number 08 228037 FEN

**SUMMARY**

---

This report is in regard to an application for a fence exemption to the Toronto Municipal Code, Chapter 447 - Fences whereby the property owner is applying to maintain existing shrubbery in the front yard that is in violation of the Fence By-law, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

**RECOMMENDATIONS**

---

**Municipal Licensing and Standards recommends that:**

1. Etobicoke York Community Council deny the request for the fence exemption based on non-compliance with the requirements set out in Chapter 447, Toronto Municipal Code, Fences.

**Financial Impact**

There are no financial implications resulting from the adoption of this report.

**ISSUE BACKGROUND**

This is a single family detached residential property located in the Keele Street and Eglinton Avenue West area of the Subject Ward, (Attachment 1).

Municipal Licensing and Standards Division has received an application from the property owner to maintain existing shrubbery in the front yard that exceeds the permitted heights found in the Fence By-law, Chapter 447.

Fences, including hedges, within the front yard are limited to 1.2 metres in height, pursuant to Section 447-2.B, Toronto Municipal Code, Chapter 447, Fences. In addition, any fence within 2.4 metres of any driveway must be open mesh chain-link or of equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway, pursuant to Clause 447-2.C.(1) of Chapter 447, Fences.

The owner is seeking an exemption to maintain existing front yard shrubs that exceed 1.2 metres in height and is not deemed to meet the requirements for open-fence construction. The existing front yard evergreen shrubs (cedar trees) measure approximately 2.5 metres in height and are growing close together making them a sight-line obstruction. These conditions are in violation of the above-captioned standards, (Attachment 2).

## **COMMENTS**

Municipal Licensing and Standards Division received a formal complaint regarding the subject fencing/hedge in October of 2008. Staff confirmed the violation of the Fence By-law and a Notice of Violation was issued, dated November 3, 2008.

The owner feels that the additional height of the arrangement of the cedar trees is required for privacy and the safety reasons.

## **CONTACT**

Italo Joe Luzi, Supervisor  
Etobicoke York District  
Municipal Licensing and Standards  
Tel: 416-394-8575 Fax: 416-394-2904  
E-mail: jluzi@toronto.ca

## **SIGNATURE**

---

Curtis Sealock, District Manager  
Municipal Licensing and Standards

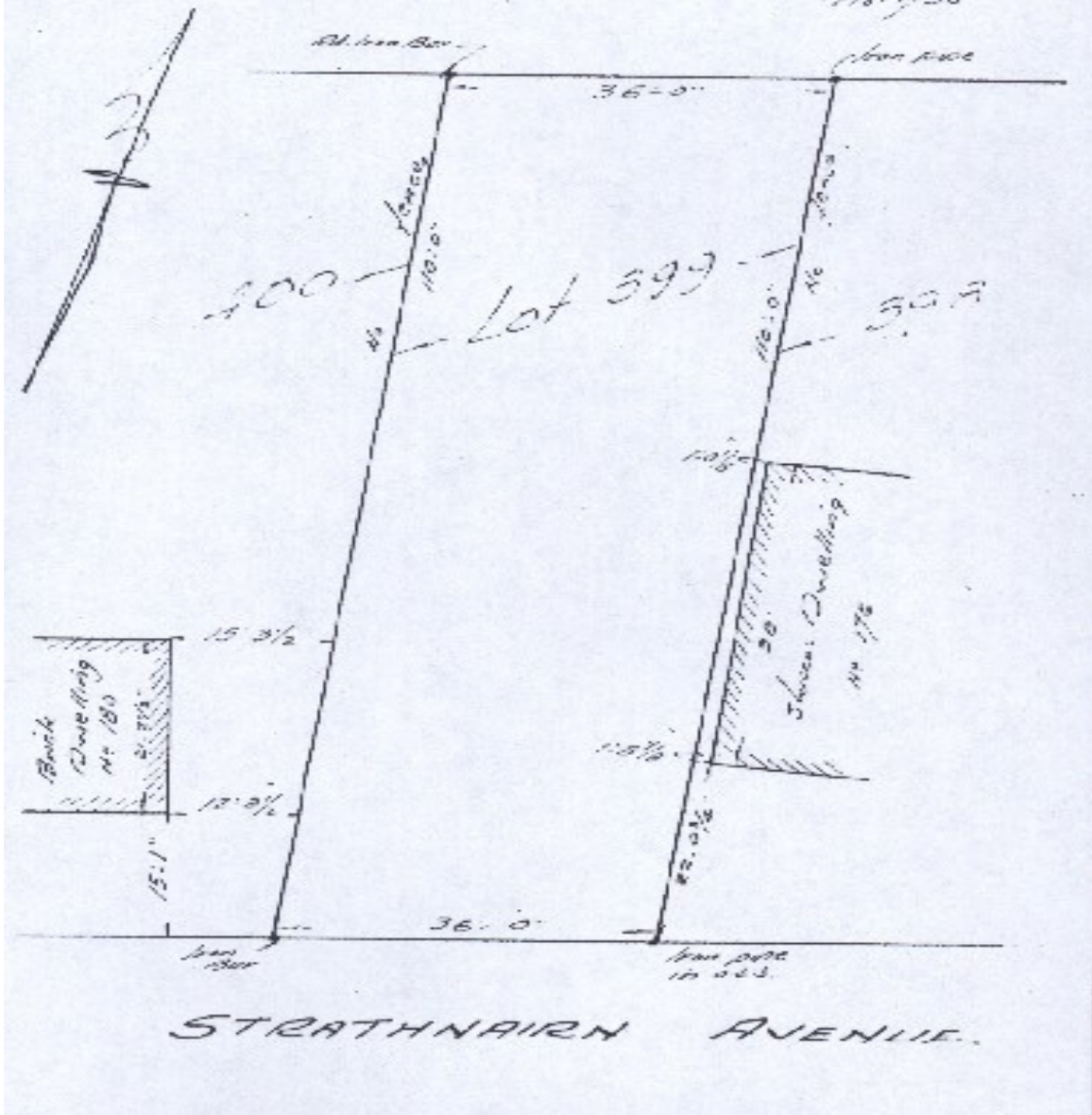
## **ATTACHMENTS**

Attachment 1 – Survey of 178 Strathnairn Avenue  
Attachment 2 – Photos of 178 Strathnairn Avenue

Sketch of Survey  
 OF LOT 399 REGO PLAN 1917  
 Municipality of York.

— Toronto, June 25<sup>th</sup> 1950

C. R. ...  
 Civil and Surveyors.  
 110-1/30



**Attachment 1- Survey of 178 Strathnairn Avenue**



Photo # 1 – Showing the Cedar Trees in the Front Yard



Photo # 2 – Showing the Cedar Trees near the Neighbour's Driveway

**Attachment 2-Photos of 178 Strathnairn Avenue**