

## **Fence Exemption Request for 3 Kinloss Road**

<b>Date:</b>	October 16, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Seacock, District Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 2 – Etobicoke North
<b>Reference Number:</b>	ML&S Folder Number 09 178374 FEN

### **SUMMARY**

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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 board on board fencing 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**

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#### **Municipal Licensing and Standards recommends that:**

1. Etobicoke York Community Council deny the request for the fence exemption based on non-compliance with 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 Islington Avenue and Rexdale Boulevard area of the Subject Ward, (Attachment 1). Municipal Licensing and Standards Division has received an application from the property owner to maintain existing board on board fencing 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 the front lot line must also not exceed 1.2 metres in height, pursuant to Clause 447-2.B.(1) of Chapter 447, Fences.

The owner is seeking an exemption to maintain existing front yard wooden fencing of this corner lot that exceeds the 1.2 metres in height. The existing front yard fences range in height (including all fence posts and decorative caps) from 1.6 to 1.50 metres along the west elevation that extends to enclose the area to the front veranda, 1.50 to 1.44 metres along the north elevation and 1.44 to 1.36 metres along the east elevation. These conditions are in violation of the above-captioned standards, (Attachment 2 and 3).

The fencing at the northwest corner of the property also encroaches onto the public road allowance enclosing the tree at this corner (Attachment 3 – Photo 4). Should the Committee grant the exemption for the fence height(s), it is recommended that the exemption should be on the condition that the property owner removes the unauthorized encroachment by November 30, 2009, or, an application is filed with Municipal Licensing and Standards Division to maintain the encroaching front yard fence.

## **COMMENTS**

Municipal Licensing and Standards Division received a formal complaint regarding the subject fencing in May of this year. Staff confirmed the violation of the Fence By-law and a Notice of Violation was issued, dated June 8, 2009.

## **CONTACT**

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## **SIGNATURE**

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Curtis Sealock, District Manager  
Municipal Licensing and Standards

## **ATTACHMENTS**

Attachment 1 – Ward 2 Site Map and Survey  
Attachment 2 – Photos 1 and 2 of 3 Kinloss Road  
Attachment 3 – Photos 3 and 4 of 3 Kinloss Road







Photo 1 – Showing the east elevation fencing



Photo 2 – showing the west elevation fencing (at the front veranda)

**Attachment 2 – Photos 1 and 2 of 3 Kinloss Road**





Photo 3 – showing the north elevation fencing



Photo 4 – showing the fencing encroaching at the northwest corner of the property

**Attachment 3 – Photos 3 and 4 of 3 Kinloss Road**