

**Request for a Fence Exemption – Front Yard  
138 Byng Ave- Ward 35**

<b>Date:</b>	May 3, 2016
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
<b>Wards:</b>	Ward 35 – Scarborough Southwest
<b>Reference Number:</b>	IBMS No. 16 149280

**SUMMARY**

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This staff report concerns a matter for which the Scarborough Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to advise Council concerning an application by the property owner of 138 Byng Avenue for a site-specific Fence Exemption, pursuant to Section 447-2 of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to be exempt concerning an existing wood fence located in the front yard which does not comply with restrictions contrary to Section 447-2 of the bylaw.

**RECOMMENDATIONS**

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Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 138 Byng Avenue, for an existing wood fence located in the front yard that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for an existing wood fence exemption permit, without conditions. Direct and require that the installation be maintained in good repair

without alteration. Direct and require that at such time as replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

**Financial Impact**

There is no financial impact anticipated in this report.

**DECISION HISTORY**

The property owner submitted a fence exemption application, in writing, on May 2, 2016, for an existing wood privacy fence in the front yard south side lot line, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences as reasons for the application.

As required by Section 447-5(C), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Scarborough Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Scarborough Community Council will consider the application.

**ISSUE BACKGROUND**

The subject property, 138 Byng Avenue, is located in Ward 35, in a residential area.

Municipal Licensing Standards inspection of the existing wood fence installation has determined that it will not comply with Section 447-2 of Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	1. Front lot line	1. Exceeds Height- 1.5 m (4.9 ft.) high	Section 447-2 (B)(1)  Maximum height of 1.2 metres, measured at any point along its length.
	2. Front yard	1. Not open fence construction	Section 447-2(C)1  Any fence within 2.4 metres of a driveway shall be open mesh or equivalent open

			construction for at least 2.4 metres from the front lot line.
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## COMMENTS

While the existing wood fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to height and open construction within 2.4 metres of a driveway a Notice of Violation was issued on April 4, 2016, it also does not contravene any other provisions of the bylaw.

## CONTACT

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## SIGNATURE

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Elena Sanguiliano  
Acting Manager, Scarborough District

## APPENDICES

Appendix 1 – Location of 138 Byng Ave. iView Map

Appendix 2 – Existing Fence Location Plan View.

Appendix 3 – Photos 1-2

Appendix 4 – Photo 3



Appendix #1



1st N Newport N Bldg

Byng Ave

LOCATION

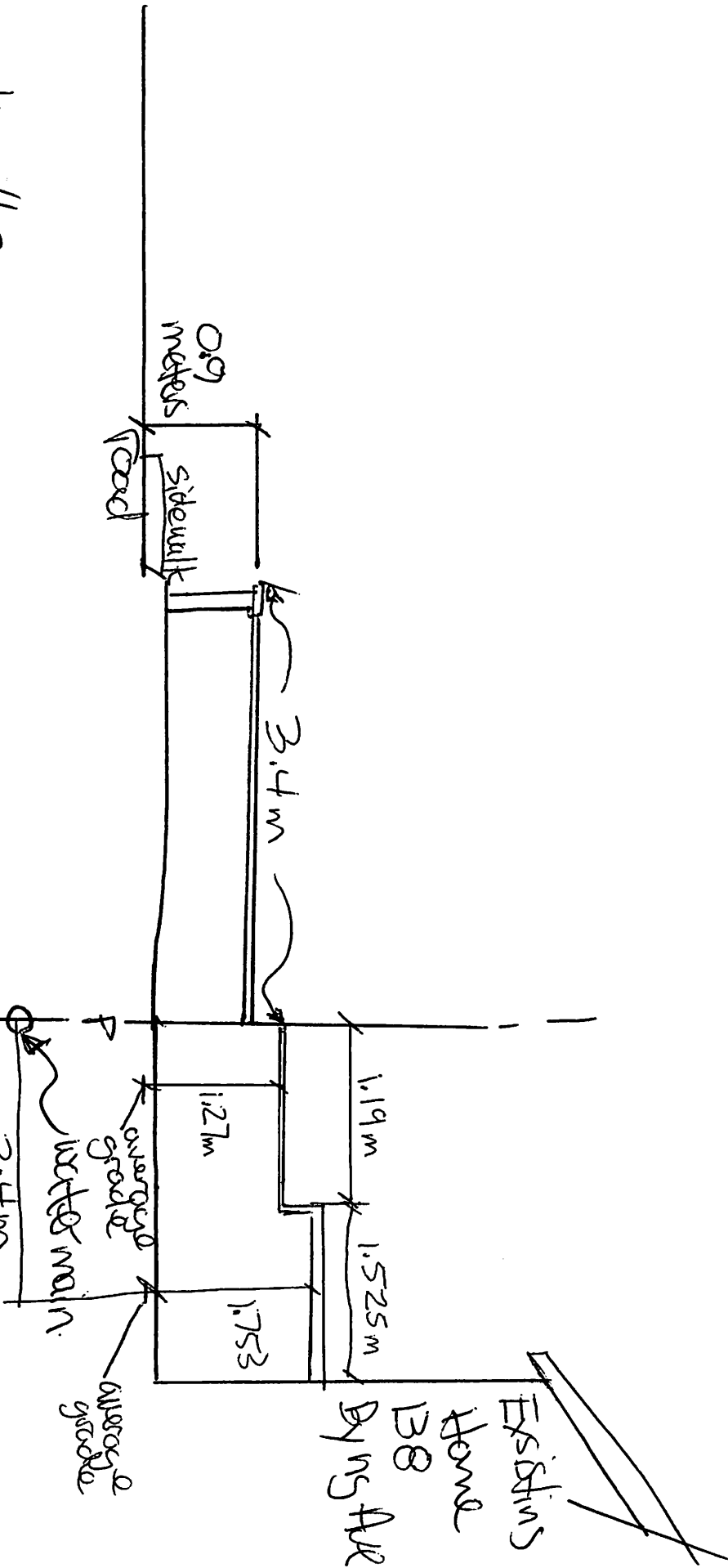
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- ① City by-law 0.9m from roadway height may to property line as per Dan Webster
- ② Private 2.4 meters @ 1.2 m - we have 1.19m for 1.19m from waste main height and 1.75m for 1.525m

Appendix #2

City Property

Property line



Existing Home  
138  
By NSAR



138 Byng Ave-Photo 1



138 Byng Ave -Photo 2



Appendix #3



138 Byng Ave-photo 3



Appendix #4