Application for Fence Exemption- 26 Prennan Avenue

Date: October 25, 2017
To: Etobicoke York Community Council
From: Joy Correia, Acting Manager, Municipal Licensing & Standards
Wards: Ward 5 - Etobicoke Centre

SUMMARY

This staff report is in regards to a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application submitted by the owner of 26 Prennan Avenue to maintain an existing rear yard swimming pool enclosure; the perimeter fence of the enclosure currently measures approximately 2.18m. The fence in its current condition does not meet all of the requirements specified in the City of Toronto Municipal Code, Chapter 447, Fences.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council give consideration to the exemption application and decide to:

1. Refuse to grant the application for an exemption, by the property owner of 26 Prennan Avenue to maintain the existing 2.18m perimeter fence, contrary to the regulations found in the City of Toronto Municipal Code Chapter 447. Direct that a second un-appealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences.

   or

2. Grant the application for a fence exemption by the property owner of 26 Prennan Avenue, without conditions, thereby allowing the existing rear yard fence, to be maintained, as requested. Direct and require that the rear yard fencing be maintained in good repair. Direct and require that at such time as replacement of the rear yard fencing is required, that such installations will comply fully with Municipal Code Chapter 447, or its successor by-law.
FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

No previous decision history.

COMMENTS

The subject property is a single family residential building situated in the Kipling Avenue and Bloor Street West neighbourhood of Ward 5.

The property owner is seeking relief from Toronto Municipal Code Chapter 447 - Fences to maintain a rear yard perimeter swimming pool enclosure with a height of approximately 2.18m. The fence in its current condition exceeds the permitted height of 2.0m.

The property owner(s) voluntarily applied for a fence exemption on or about October 20, 2017.

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

Municipal Licensing and Standards' review of the existing front yard fence has determined that it does not comply with Toronto Municipal Code, Chapter 447 - Fences.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>ORIENTATION</th>
<th>DEFICIENCY</th>
<th>BY-LAW SECTION*</th>
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<tr>
<td>Rear Yard/West Elevation</td>
<td>Existing rear yard perimeter fence on lot line abutting 24 Prennan Avenue respectively.</td>
<td>The existing perimeter fence in the rear yard exceeds the permitted height of 2.0 m.</td>
<td>Section 447-2(B)</td>
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The property owner(s) seeks the exemption to maintain the existing fence for post aesthetics and for the entry gate.

We recommend that the rear yard swimming pool enclosure fence be maintained as to comply with all the provisions of the City of Toronto's Municipal Code, Chapter 447 - Fences.

However, should the Committee decide to grant the exemption, such exemption should be subject to the conditions noted in Recommendation #2.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Ariel Photograph of 26 Prennan Avenue
Attachment 2: Neighbourhood Ariel photograph
Attachment 3: Existing fence leading to south side of the rear yard
Attachment 4: Existing fence in south side of rear yard
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Attachment 2: Neighbourhood Ariel photograph
Attachment 3: Existing fence leading to south side of the rear yard
Attachment 4: Existing fence in south side of rear yard