

Application for Fence Exemption- 209 The Kingsway

Date: January 15, 2019
To: Etobicoke York Community Council
From: Janet Stoeckl, District Manager Municipal Licensing and Standards
Wards: Ward 2, 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 209 The Kingsway to maintain an erected fence in the rear yard. The fence does not meet the requirements specified in 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 the application for an exemption submitted by the owner of 209 The Kingsway, to maintain an erected metal fence in the rear yard, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences; or
2. Grant the exemption to permit the metal material used for the erected fence in the rear yard to be sufficient as the exterior pool enclosure fence. At such time as replacement of the fence is required that the replacement fence will comply with Municipal Code Chapter 447, or its successor by-law.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

No previous decision history.

COMMENTS

The subject property is a single family dwelling situated along the East of The Kingsway in Ward 2 (Attachment # 1).

The property owner is seeking relief from the by-law regulations to maintain an erected metal rear yard fence, which is a prohibited construction standard material, contrary to Sections 1.3.E(2) of Chapter 447 of the Toronto Municipal Code.

The Municipal Licensing and Standards Division received a Pool Enclosure Permit on September 7th, 2018; an inspection on September 19th identified the metal fence violation. An application for a fence exemption was filed on October 12th, 2018.

As required by Section 447-5(C), Municipal Licensing & 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 requisite notifications of the date that the Etobicoke York Community Council will consider the application.

The following chart indicates the violations and relevant sections of Toronto Municipal Code, Chapter 447, Fences:

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Rear yard	North/East/South side of property	Non-permitted material used	1.3.E (2)

The property owner(s) seek this exemption for avoiding the destruction of foliage / lot line trees between all neighbours.

CONTACT

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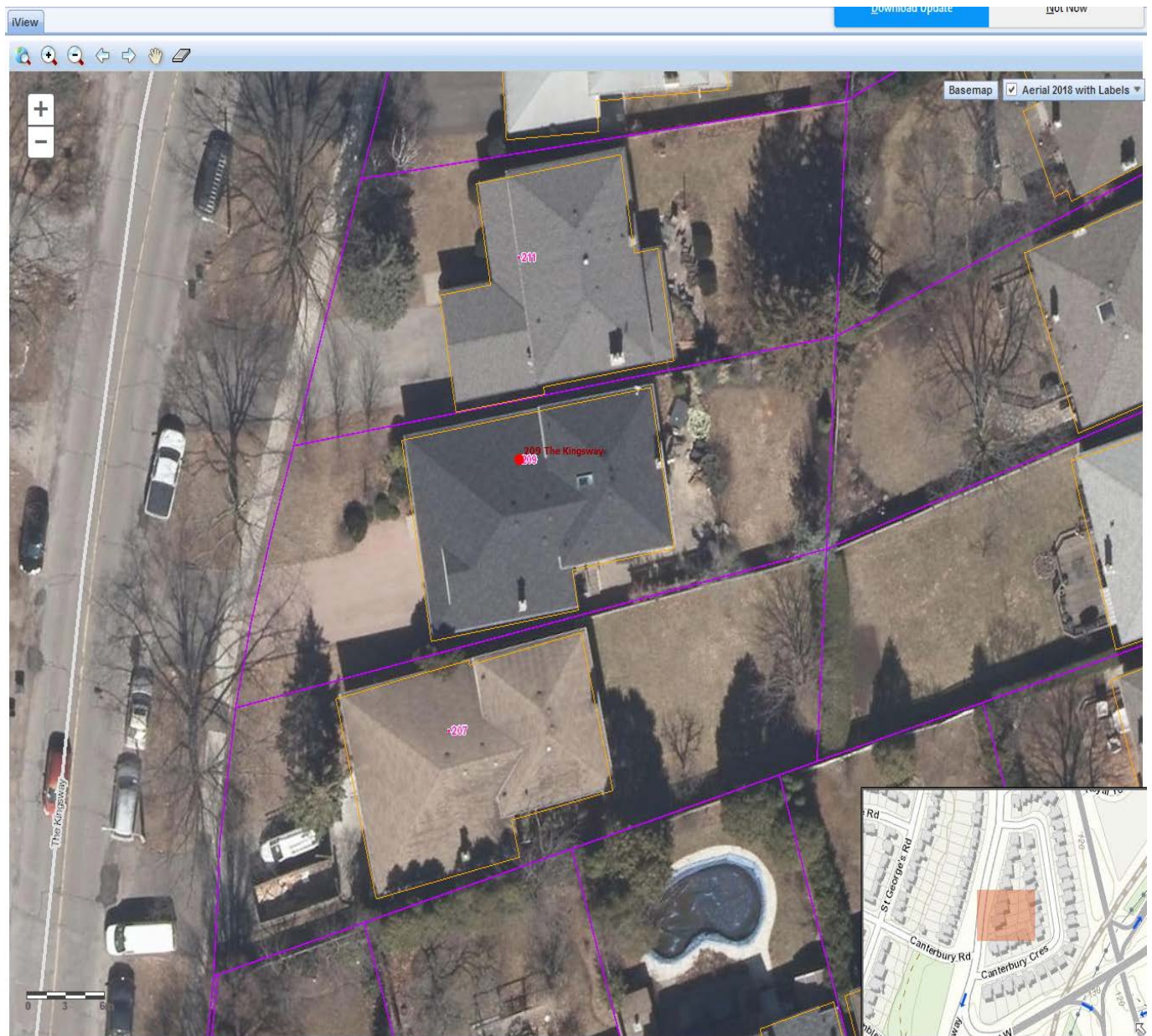
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ATTACHMENTS

Attachment 1:	View of the subject property; 209 The Kingsway.
Attachment 2:	Pool Enclosure drawings approved by Buildings Department
Attachment 3:	East facing view of North / East side of rear yard
Attachment 4:	East facing view of Easterly Rear Yard
Attachment 5:	South facing view of Southern Rear Yard

Attachment 1: View of the subject property; 209 The Kingsway.



Application for Fence Exemption 209 The Kingsway



Attachment 3: East facing view of North / East side of rear yard



Attachment 4: East facing view of Easterly Rear Yard



Attachment 5: South facing view of Southern Rear Yard

