

Application for Fence Exemption- 12 Dennis Ave

Date: October 20, 2019
To: Etobicoke York Community Council
From: Janet Stoeckl, District Manager Municipal Licensing and Standards
Wards: Ward 5, York South-Weston

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 12 Dennis Ave to maintain the existing fence in the front 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 12 Dennis Ave, to maintain the existing fence in the front 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 existing fence in the front yard to be maintained in the same condition without alteration. 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 Northern portion of Dennis Avenue in Ward 5 (Attachment # 1).

The property owner is seeking relief from the by-law regulations to maintain a front yard fence with a current height of 1.80 metres found within 2.4 metres of the lot line, which exceeds the permitted height of 1.2 metres, contrary to Sections 447-2B.(1) of Chapter 447 of the Toronto Municipal Code.

The Municipal Licensing and Standards Division received a formal complaint on or about January 14, 2019 regarding the height of the front yard fence and encroachment into City property. A Notice of Violation dated January 16, 2019 was issued which remains outstanding pending the outcome of this exemption application request. An application for a fence exemption was filed on June 20, 2019.

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*
1	Front Yard	Height of the fence exceeds the height permitted by the Chapter, namely; fence on a single or multiple residential property within 2.4 metres of a lot line abutting a public highway exceeds maximum height of 1.2 metres.	2B.(1)

The property owner(s) seek this exemption for safety, security, and privacy reasons.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Ariel map of View of properties adjacent to 12 Dennis Ave
Attachment 2: North view from public roadway of 12 Dennis Ave

Attachment 1: View of 12 Dennis Ave and adjacent properties.



Attachment 2: North view from public roadway of 12 Dennis Ave

