

Request for Fence Exemption-273 Dundas Street East

Date: June 13, 2020

To: Toronto and East York Community Council

From: Joe Magalhaes, Manager Municipal Licensing & Standards, Toronto East York District

Wards: Ward 13 - Toronto-Centre

SUMMARY

This staff report concerns a matter for which the Toronto and East York 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 owner(s) of 273 Dundas St. E for a site-specific Fence Exemption, pursuant to Section 447-1.2 B of Toronto Municipal Code, Chapter 447- Fences. Following the issuance of a Notice of Violation (appendix 1) the property owner(s) are seeking Council's permission to exempt the board and lattice fence running along the west side of the rear yard which does not comply with restrictions contrary to Section 447-2 of the bylaw as detailed below in the following chart:

The subject property 273 Dundas St E is located in Ward 13-Toronto-Centre, on a residential zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	West Side of property Measuring 18.29 metres, (60ft) in length	Wood board and lattice fence, With a height of 2.24 metres (7 ft. 4 in)	Section 447-2(B)(1), Table 1 Maximum height of fence not in front yard- 2.0 metres

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 273 Dundas St E. for the board and lattice fence in the rear yard on the west side of the property, which increases the overall height of the fence to 2.24 metres, (7'4") in height and remaining in non compliance with the provisions of Toronto Municipal Code, Chapter 447, Fences, thereby requiring further enforcement action.

OR

2. Grant the application for the proposed board and lattice fence, raising the fence height to 2.24 metres (7' 4") that runs along the west side of the property. In addition, 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

In 2019, Municipal Licensing & Standards received a complaint from the neighbouring property regarding the height of the fence located at the rear of 273 Dundas St E. As a result of the complaint a Notice of Violation was issued to the property owner on June 12, 2019 advising the fence height exceeds the 2 metre (6' 6") height requirement of the Fence Bylaw. On June 26, 2019, the owner(s) of the property located at 273 Dundas St E submitted a fence exemption application, in writing, requesting a fence exemption for the board and lattice fence which runs along the west side of the property in the rear yard in accordance with Section 447-1.5(B) of Toronto Municipal Code, Chapter 447-Fences as reasons for the application.

The height of the fence which runs along the west side of the property now measures metres (7'4") in height, and is therefore in contravention.

As required by Section 447-1.5(B), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Toronto and East York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Toronto and East York Community Council will consider the application.

COMMENTS

The fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to maximum height not in the front yard based on the average grade height. It does not contravene any other provisions of the by- law.

CONTACT

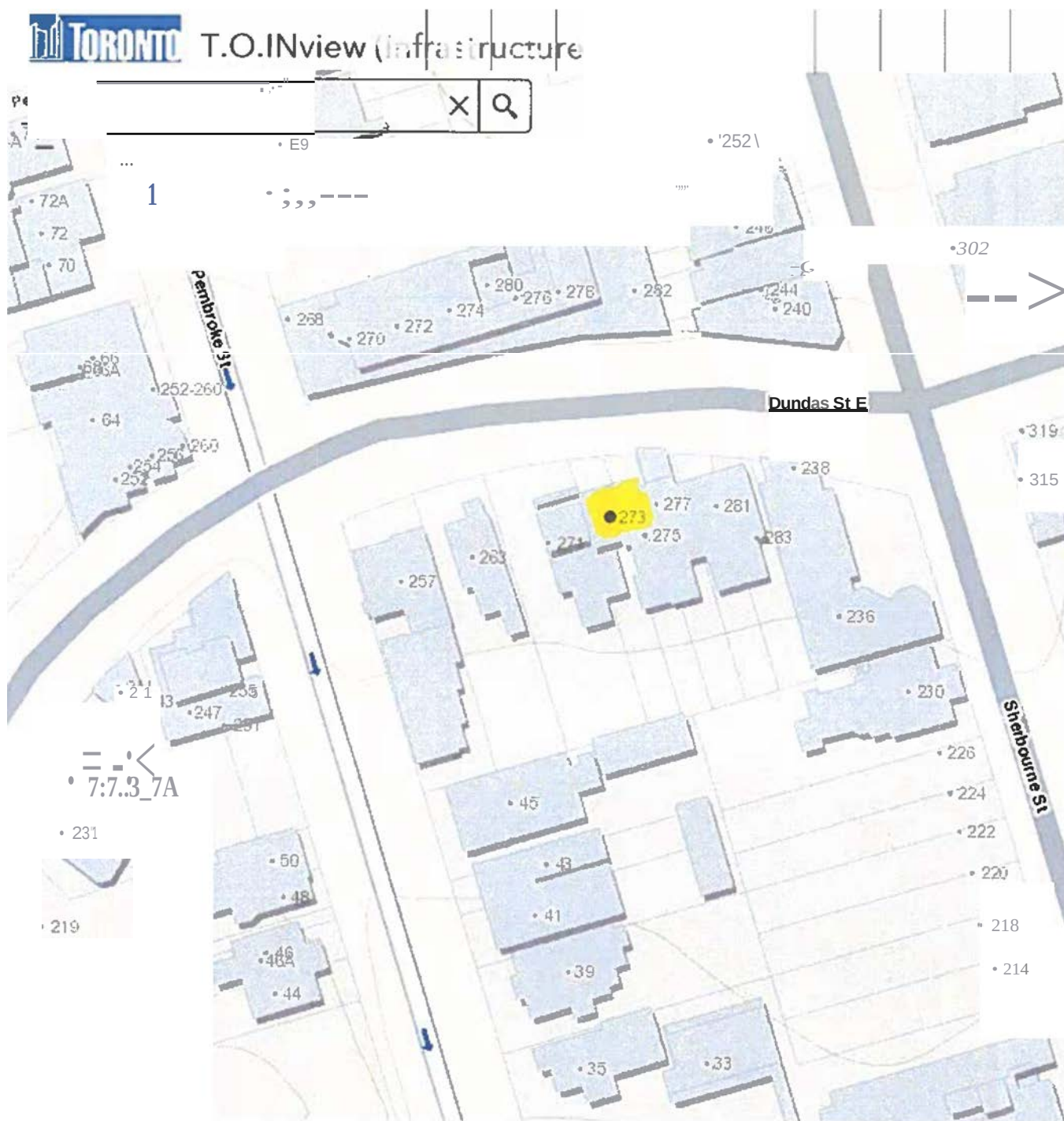
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SIGNATURE

Joe Magalhaes
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ATTACHMENTS

Appendix 1 - GIS Aerial View
Appendix 2 - Photo taken from applicant's property
Appendix 3 - Photo taken from neighbouring property



Appendix 1 Aerial view 273 Dundas St E



Appendix 2 273 Dundas St E West Side



Appendix 3 View from 271 Dundas St E East Side