

## **Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 24 Cuthbert Cres**

**Date:** June 25, 2020

**To:** Toronto and East York Community Council

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

**Wards:** Ward 12 - Toronto - St. Paul's

### **SUMMARY**

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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 property owner of 24 Cuthbert Cres for a site-specific Fence Exemption, pursuant to Section 447-5.C of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to allow for the existing fence, which does not comply with maximum fence height restrictions stipulated by Section 447-2 of the bylaw.

The fence is installed along the North, South and West lot lines. The fence on the South and North Lot lines exceed the height limitation along parts of the fence. The fence material is wood, board on board.

The application is based on a complaint that was received and investigated by Municipal Licensing and Standards.

## **RECOMMENDATIONS**

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

1. Refuse to grant the application for an exemption permit, by the property owner of 24 Cuthbert Cres, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a second notice to the property owner to bring the fence into compliance.

OR

2. Grant the application for a fence exemption permit, without conditions, thereby allowing the fence to be maintained as constructed. Direct and require that the installation be maintained in good repair without alteration. 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**

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There is no anticipated Financial Impact from this report.

## **DECISION HISTORY**

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The property owner submitted a fence exemption application, in writing, on November 17, 2017, in regards to an existing installed fence, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "Privacy" as the 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 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.

## **ISSUE BACKGROUND**

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The subject property, 24 Cuthbert Cres., is located in Ward 12 - Toronto - St. Paul's. The property is a 2 storey detached residential home.

Municipal Licensing Standards' investigated the fence installation and determined that it did not comply with maximum height restrictions for residential fences (see table below) provided by Section 447-2 of Toronto Municipal Code, Chapter 447- Fences.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	1. North and South property line of rear yard	Wood, board on board The fence exceeds height at 2 spots at a height of 2.21 Metres (7.25 feet).	Section 447-2(B)(1)  Maximum height of 2 metres when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence

**COMMENTS**

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While the proposed fence violates Toronto Municipal Code, Chapter 447- Fences with respect to height, it does not appear to contravene any other provisions of the bylaw.

## **CONTACT**

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Gurminder Purba, Acting Supervisor,  
Municipal Licensing & Standards  
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## **SIGNATURE**

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Joe Magalhaes, District Manager,  
Municipal Licensing and Standards  
Toronto - East York District

# ATTACHMENTS

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Attachment 1: iView Map of property – 24 Cuthbert Cres



Attachment 2: Existing fence on North side of property (photo taken facing West)



Attachment 3: Picture of fence (photo taken facing North)



Attachment 4: Picture of fence (photo taken facing South)





Attachment 5: Picture of fence (photo taken facing South)

**MLS Toronto East York**

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**From:** Farah Namazi [REDACTED]  
**Sent:** November-16-17 4:34 PM  
**To:** Ainsley Higgins Design  
**Subject:** re: fence exemption for 24 Cuthbert Crescent

November 16th, 2017

Re: Letter of support for Fence Exemption Application - 24 Cuthbert Crescent, Toronto

To whom it may concern,

We own the property at 26 Cuthbert Crescent in Toronto. Our neighbours at 24 Cuthbert Crescent recently constructed a new fence on their property. We understand they are applying for a fence exemption as the height exceeds the 6'6" allowance in some places. We are supportive of their fence height as constructed.

Thank you,  
Farah Namazi  
Owner, 26 Cuthbert Crescent, Toronto

Attachment 6: Letter of Support from 26 Cuthbert Cres