

## **Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 109 Valecrest Drive**

**Date:** February 08, 2021

**To:** Etobicoke York Community Council

**From:** Joe Magalhaes, District Manager, Municipal Licensing & Standards, West District

**Wards:** Ward 2

### **SUMMARY**

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This staff report concerns 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 advise Council concerning an application by the property owner of 109 Valecrest Drive 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 not being constructed to the standards stipulated by Section 447-1.3(E)(2) of the bylaw.

The fence is located in the rear yard and forms a part of the pool enclosure fence. The material used does not comply with the allowable construction materials stipulated by the bylaw. It encloses the rear access point to the pool. The fence is made of a mesh like material.

No complaint was filed for the fence.

### **RECOMMENDATIONS**

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The Manager recommends that:

1. Refuse to grant the application for an exemption permit, by the property owner of 109 Valecrest Drive, 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 December 07, 2020, in regards to an existing installed fence, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "safety and aesthetics" as the reasons for the application.

As required by Section 447-1.5(B), 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 Etobicoke-York Community Council will consider the application.

The subject property, 109 Valecrest Drive is located in Ward 2. The property is a two storey detached residential home.

See the table below for the dimensions of the fence in question.

| GENERAL LOCATION | SPECIFIC LOCATION               | PROPOSED CONSTRUCTION & DEFICIENCY                                                                                                                                                                                                                                             | BY-LAW SECTION & REQUIREMENT*                                                                                                    |
|------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Rear Yard        | West side of the pool enclosure | Wood, extruded aluminum posts with screen framing and fiberglass woven, vinyl coated screen. The screen is 1.5m sitting on a 1.2m panel on the south side of the enclosure. The East side of the enclosure is floor to ceiling and is a total of 2.70 m in height. There is no | Section 447-1.3(E)(2) Swimming pool enclosure shall be constructed of materials listed in this section (chain-link, wood, glass) |

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|--|--|----------------------------------------------|--|
|  |  | access from the North side of the enclosure. |  |
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## 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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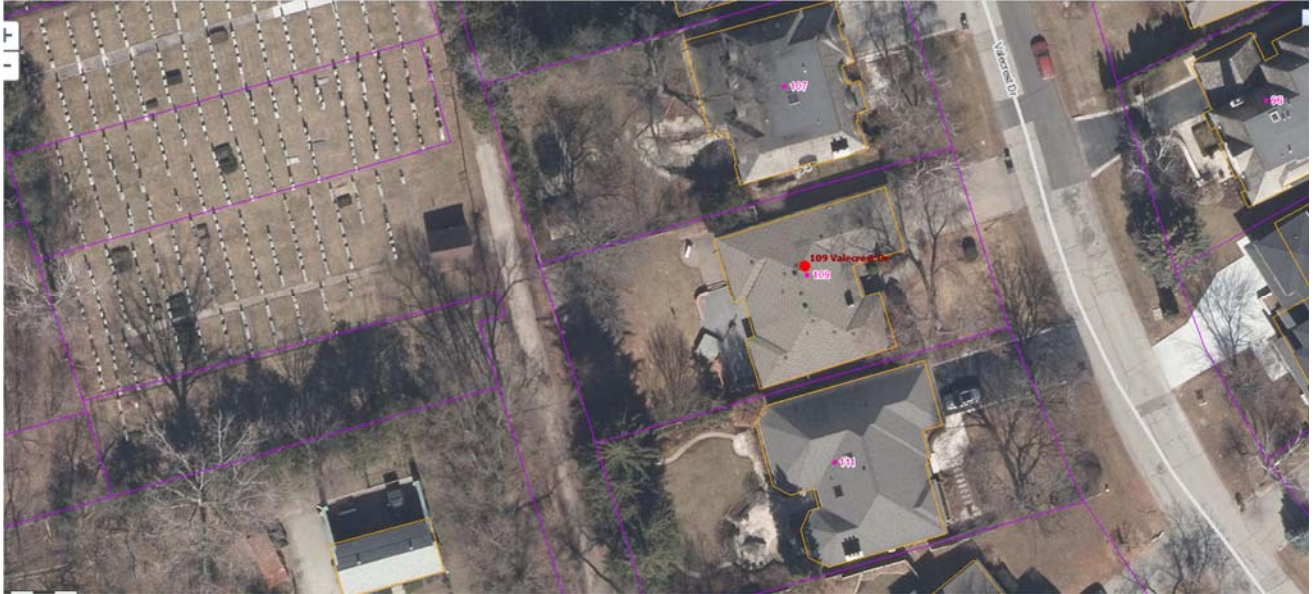
## SIGNATURE

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Joe Magalhaes  
District Manager

## ATTACHMENTS

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Attachment 1: iView Map of property – 109 Valecrest Drive



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





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



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