

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 9 Van Dusen Blvd

Date: March 28, 2021

To: Etobicoke York Community Council

From: Joe Magalhaes, District Manager, Municipal Licensing and Standards, West District

Wards: Ward 3

SUMMARY

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 9 Van Dusen Blvd 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 installation of a new fence, which does not comply with maximum fence height restrictions stipulated by Section 447-1.2(B) of the bylaw.

The fence will be located in the rear yard on the south property line and forms a barrier to the neighbouring property. The projected fence will be 9 feet (2.7 m) in height. There is a grade difference between the neighbouring properties of approximately 3 feet (0.9m). The new fence will be constructed out of wood.

RECOMMENDATIONS

The Manager recommends:

1. Refuse the application for an exemption permit, by the property owner of 9 Van Dusen Blvd.

OR

2. Grant the application for a fence exemption permit, without conditions, thereby allowing the fence to be constructed (as proposed). 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

There is no anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on January 12 2021, in regards to a proposed fence installation, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "privacy" as the reason 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, 9 Van Dusen Blvd, is located in Ward 3. The property is a 2 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	South Property line	Proposed fence will be wood in construction and have a height of 9 feet (2.7 m).	Section 447-1.2(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

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

Joe Magalhaes
District Manager

ATTACHMENTS



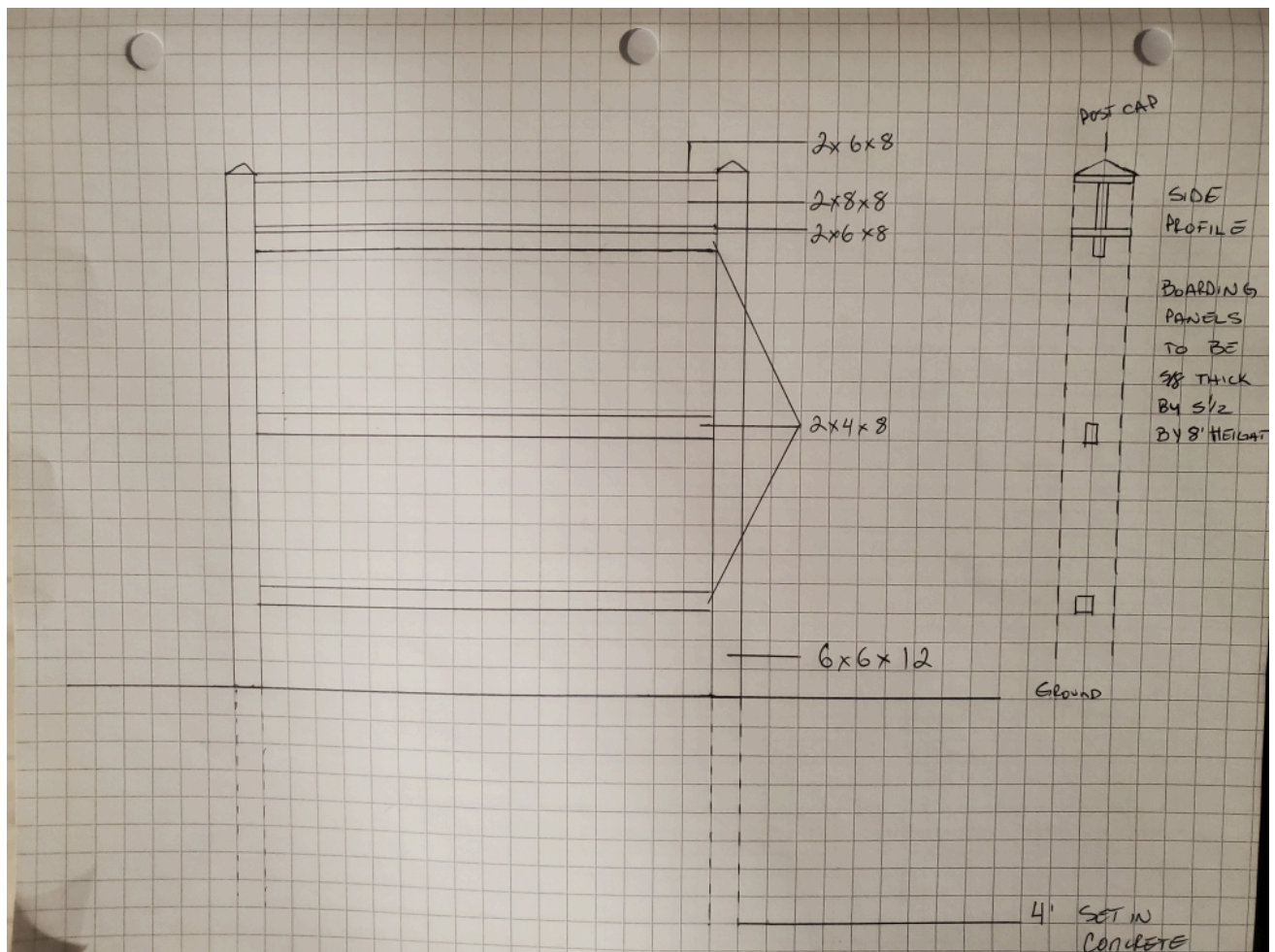
Attachment 1: iView Map of property – 9 Van Dusen Blvd



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



Attachment 3: Existing fence on South side of property (photo taken facing South)



Attachment 4: Proposed fence structure (submitted by applicant)