

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 85 Harding Ave

Date: May 12, 2021

To: Etobicoke, Community Council

From: District Manager, Municipal Licensing and Standards

Wards: Ward 05 – York South-Weston

SUMMARY

This staff report is in regards to a matter for which the Etobicoke 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 85 Harding Avenue for a site-specific Fence Exemption, pursuant to Section 447-1.5.B 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 the standards stipulated by Section 447-1.2(C)(1) of the bylaw.

The fence is located in the front yard on the east property line and forms a barrier to the neighbouring property. The fence material is wood, board on board and some parts of the fence is within 2.4 metres of the driveway and obstruct the view of the public highway.

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

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke Community Council give consideration to the exemption application and decide to:

1. Refuse to grant the application for an exemption, by the property owner of 85 Harding Avenue, 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 by the property owner of 85 Harding Avenue, thereby allowing the erected fence to be maintained as constructed. 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

No previous decision history.

COMMENTS

The subject property, 85 Harding Avenue, is a single family detached residential home situated along Harding Avenue in Ward 5 (Attachment # 1).

The property owner is seeking relief from the by-law regulations to maintain the erected wood, board on board fences in the front yard and within 2.4 metres of a lot line abutting a public highway; which obstruct the view of the public highway, contrary to Section 447-1.2C.(1) of Chapter 447 of the Toronto Municipal Code.

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

Municipal Licensing Standards' reviewed the proposed application and determined that it does not comply with the Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

General Location	Specific Location	Deficiency	By-Law Section
Front Yard	East property line in front yard	Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway.	447-1.2C.(1)

The property owner(s) seek this exemption to prevent any water, dirt or leaves from accidentally blow onto neighbouring property.

CONTACT

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SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment 1 - Aerial map - 85 Harding Avenue
Attachment 2 - Front Yard Fence - 91 Harding Avenue
Attachment 3 - Front Yard Fence - 85 Harding Avenue



Attachment 1 - Aerial map - 85 Harding Avenue



Attachment 2 - Front Yard Fence - 91 Harding Avenue



Attachment 3 - Front Yard Fence - 85 Harding Avenue