

Request for a Fence Exemption - 41 Hallow Cres

Date: August 20, 2021

To: Etobicoke, Community Council

From: District Manager, Municipal Licensing and Standards

Wards: Ward 01 – Etobicoke North

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.

(1)The purpose of this report is to advise Council concerning an application by the property owner of 41 Hallow Cres for a site-specific Fence Exemption, pursuant to Section 447-1.2.B(1) 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 447-1.2B(1) of the bylaw, referencing Table 1 Maximum Height of Fences

(2)The purpose of this report is to advise Council concerning an application by the property owner of 41 Hallow Cres for a site-specific Fence Exemption, pursuant to Section 447-1.2.A(3) 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 447-1.2A(3) of the bylaw.

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 41 Hallow 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 by the property owner of 41 Hallow Cres (with or without conditions), 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, 41 Hallow Cres, is a single family detached residential home situated in Ward 1.

The fence is located in the rear yard on the west side of the property line, abutting a neighboring property at 2251 and 2253 Kipling Ave. The fence material is made of corrugated metal, 3ft wide and 12ft high, spanning a width of 69ft, across the backyard.

The application was not based on a complaint from the public; it resulted as the investigating officer was addressing another complainant on the same property when she came across the fence.

(1)The property owner is seeking relief from the by-law regulations to maintain the privacy and security from the neighboring property to prevent any viewing. The owner has erected a fence 3.65m in height.

(2)The property owner is seeking relief from the by-law regulations to maintain the privacy and security from the neighboring property to prevent any viewing. The owner has erected a corrugated metal fence

As required by Section 447-1.2B(1) and Section 447-1.2A(3); Municipal Licensing & Standards has responded to the fence exemption application Toronto Municipal Code on 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
Rear Yard	West Side of Property	Fence does not meet 2m maximum height requirement	447-1.2B(1)
Rear Yard	West Side of Property	No sheet metal or corrugated metal panels	447-1.2A(3)

The property owner(s) seek this exemption for safety and security purposes.

CONTACT

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SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment 1 - Rear Yard - 41 Hallow Cres-Topical view with arrows show fence length
Attachment 2 - Rear Yard - 41 Hallow Cres-Surface view of fence from one end
Attachment 3 - Rear Yard - 41 Hallow Cres-Surface view of fence from other end
Attachment 4 - Rear Yard - 41 Hallow Cres-Surface view at a distance length of fence

Attachment 1 - 41 Hallow Cres *Arrows show where fence line is located*



Attachment 2- 41 Hallow Cres(Fence view from one side of the fence end)



Attachment 3- 41 Hallow Cres(Fence view from the other side of fence end)



Attachment 4- 41 Hallow Cres(Additional Fence views, entire length)

