

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 5 Brougham Cres

Date: August 23, 2021

To: Etobicoke York Community Council

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

Wards: Ward 2 - Etobicoke Centre

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 5 Brougham Cres 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 447-1.3(B)(1) of the bylaw.

The fence exceeds the allowed height limit on the east side of the rear yard. The fence material is wood but has a lattice section installed above the fence portion.

RECOMMENDATIONS

The Manager recommends:

1. Refuse to grant the application for an exemption permit, by the property owner of 5 Brougham Cres, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a notice to the property owner to bring the fence into compliance.

OR

2. Grant the application for a fence exemption permit (with or without conditions), thereby allowing the fence to be installed as. 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 May 12, 2021, in regards to an existing fence, in accordance with Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences.

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, 5 Brougham Cres, is located in Ward 2. 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	East Side of rear yard	Wood with a lattice on top. The total height is 2.88 m (9 feet 4 inches in height)	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

Gurminder Purba, Supervisor,
Municipal Licensing & Standards
West District
Tel. (416) 392-7610
E-mail: gurminder.purba@toronto.ca

SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment 1: iView Map of property – 5 Brougham Cres
Attachment 2: East side rear fence (photo taken facing East)
Attachment 3: Photo taken prior to installation of lattice (taken by home owner)
Attachment 4: Letter of Support - 256 The Westway
Attachment 5: Letter of Support - 7 Brougham Cres
Attachment 6: Letter of Support - 254 The Westway
Attachment 7: Letter of Support - 252 The Westway
Attachment 8: Letter of Support - 4 Brougham Cres



Attachment 2: East side rear fence (photo taken facing East)



Attachment 3: Photo taken prior to installation of lattice (taken by home owner)

May 10, 2021

City of Toronto, West District Office
RE: Toronto Municipal Code Chapter 447, Fences
Fence Exemption Request for 5 Brougham Crescent, Toronto, ON, M9R1J3

To whom it may concern,

My/our name is JOHN GERONTZOS and I/we live at 256 THE WESTWAY, Toronto,
ON, M9R 1G2

☒ My property shares a boundary with Gavin & Sabrina Lynch (5 Brougham Cres), and I have line of sight visibility of the east rear yard fence in question.

☐ My property does not share a boundary with Gavin & Sabrina Lynch (5 Brougham Cres), but I do have line of sight visibility of the east rear yard fence in question.

I am aware that Gavin & Sabrina Lynch have constructed a fence in excess of 2m (2.88m) for the purposes of privacy from their adjacent neighbor.

I am aware that Gavin & Sabrina Lynch have applied for a fence exemption request on or around May 11 2021.

I support their decision and actions, and have no issues with or reasons to dispute the purpose of the fence, the fence's construction, it's appearance or aesthetics.


Signature

JOHN GERONTZOS
Print Name

Attachment 4: Letter of Support - 256 The Westway

May 10, 2021

City of Toronto, West District Office
RE: Toronto Municipal Code Chapter 447, Fences
Fence Exemption Request for 5 Brougham Crescent, Toronto, ON, M9R1J3

To whom it may concern,

My/our name is Nino Galati and I/we live at 7 Brougham Cres, Toronto,
ON, M9R 1J3

- ☒ My property shares a boundary with Gavin & Sabrina Lynch (5 Brougham Cres), and I have line of sight visibility of the east rear yard fence in question.
- ☐ My property does not share a boundary with Gavin & Sabrina Lynch (5 Brougham Cres), but I do have line of sight visibility of the east rear yard fence in question.

I am aware that Gavin & Sabrina Lynch have constructed a fence in excess of 2m (2.88m) for the purposes of privacy from their adjacent neighbor.

I am aware that Gavin & Sabrina Lynch have applied for a fence exemption request on or around May 11 2021.

I support their decision and actions, and have no issues with or reasons to dispute the purpose of the fence, the fence's construction, it's appearance or aesthetics.


Signature

Nino Galati
Print Name

Attachment 5: Letter of Support - 7 Brougham Cres

May 10, 2021

City of Toronto, West District Office
RE: Toronto Municipal Code Chapter 447, Fences
Fence Exemption Request for 5 Brougham Crescent, Toronto, ON, M9R1J3

To whom it may concern,

My/our name is Pamela Humphrey and I/we live at 254 The Westway, Toronto,
ON, M9R 1G2

☒ My property shares a boundary with Gavin & Sabrina Lynch (5 Brougham Cres), and I have line of sight visibility of the east rear yard fence in question.

☐ My property does not share a boundary with Gavin & Sabrina Lynch (5 Brougham Cres), but I do have line of sight visibility of the east rear yard fence in question.

I am aware that Gavin & Sabrina Lynch have constructed a fence in excess of 2m (2.88m) for the purposes of privacy from their adjacent neighbor.

I am aware that Gavin & Sabrina Lynch have applied for a fence exemption request on or around May 11 2021.

I support their decision and actions, and have no issues with or reasons to dispute the purpose of the fence, the fence's construction, it's appearance or aesthetics.

P. Humphrey
Signature

Pamela Humphrey
Print Name

Attachment 6: Letter of Support - 254 The Westway

May 10, 2021

City of Toronto, West District Office
RE: Toronto Municipal Code Chapter 447, Fences
Fence Exemption Request for 5 Brougham Crescent, Toronto, ON, M9R1J3

To whom it may concern,

My/our name is COSMIN PUTIN and I/we live at 252 The Westway Toronto,
ON, M9R 1G2

- ☐ My property shares a boundary with Gavin & Sabrina Lynch (5 Brougham Cres), and I have line of sight visibility of the east rear yard fence in question.
- ☒ My property does not share a boundary with Gavin & Sabrina Lynch (5 Brougham Cres), but I do have line of sight visibility of the east rear yard fence in question.

I am aware that Gavin & Sabrina Lynch have constructed a fence in excess of 2m (2.88m) for the purposes of privacy from their adjacent neighbor.

I am aware that Gavin & Sabrina Lynch have applied for a fence exemption request on or around May 11 2021.

I support their decision and actions, and have no issues with or reasons to dispute the purpose of the fence, the fence's construction, it's appearance or aesthetics.


Signature

COSMIN PUTIN
Print Name

Attachment 7: Letter of Support - 252 The Westway

May 10, 2021

City of Toronto, West District Office
RE: Toronto Municipal Code Chapter 447, Fences
Fence Exemption Request for 5 Brougham Crescent, Toronto, ON, M9R1J3

To whom it may concern,

My/our name is DOB: Kim Hauzinka and I/we live at 4 Brougham Cres, Toronto,
ON, M9R 1J3.

☐ My property shares a boundary with Gavin & Sabrina Lynch (5 Brougham Cres), and I have line of sight visibility of the east rear yard fence in question.

☒ My property does not share a boundary with Gavin & Sabrina Lynch (5 Brougham Cres), but I do have line of sight visibility of the east rear yard fence in question.

I am aware that Gavin & Sabrina Lynch have constructed a fence in excess of 2m (2.88m) for the purposes of privacy from their adjacent neighbor.

I am aware that Gavin & Sabrina Lynch have applied for a fence exemption request on or around May 11 2021.

I support their decision and actions, and have no issues with or reasons to dispute the purpose of the fence, the fence's construction, it's appearance or aesthetics.


Signature

Kim Hauzinka
Print Name

Attachment 8: Letter of Support - 4 Brougham Cres