



Tracking Status

- This item was considered by [North York Community Council](#) on December 3, 2019 and was adopted with amendments. City Council has delegated authority for this matter to the North York Community Council and therefore, the decision is final.

North York Community Council consideration on December 3, 2019

NY11.30	ACTION	Amended	Delegated	Ward: 15
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Request for Fence Exemption - 2691 Bayview Avenue

Public Notice Given

Community Council Decision

North York Community Council:

1. Refused the application for an exemption submitted by the property owners of 2691 Bayview Avenue to maintain front yard concrete and wrought iron fence on the north east side of the property, which is within 2.4 metres of a driveway and is also above the permitted height of 1.2 metres, which does not comply with the provisions of City of Toronto Municipal Code, Chapter 447, Fences.
2. Directed that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences.

Origin

(October 30, 2019) Report from the District Manager, Municipal Licensing and Standards

Summary

This staff report is in regards to a matter for which the North York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application submitted by the owners of 2691 Bayview Avenue to maintain a 2.4 meter high concrete and wrought iron fence which is within 2.4 meters of a driveway. The fence does not meet the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences.

The fence has been referred to Right of Way Transportation as it is on private and public property. Our colleagues have been in touch with the Property owners and have advised them that an encroachment agreement is needed. They are currently working on compliance with the property owners.

The subject property 2691 Bayview Avenue is located in Ward 15, in a residential zone.

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	North East side of the property	The fence erected within 2.4 meters of a driveway is not open-fence construction. Fence in front yard above permitted height of 1.2 metres	Section 447-2C.(1) 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 Section 447-1. 2B.(1) Fence in a front yard; permitted height 1.2 within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)

Background Information

(October 30, 2019) Report and Attachments 1-8 from the District Manager, Municipal Licensing and Standards on a Request for Fence Exemption at 2691 Bayview Avenue (<http://www.toronto.ca/legdocs/mmis/2019/ny/bgrrd/backgroundfile-139987.pdf>)

Motions

Motion to Amend Item moved by Councillor James Pasternak (Carried)

That North York Community Council:

1. Refuse the application for an exemption submitted by the property owners of 2691 Bayview Avenue to maintain front yard concrete and wrought iron fence on the north east side of the property, which is within 2.4 metres of a driveway and is also above the permitted height of 1.2 metres, which does not comply with the provisions of City of Toronto Municipal Code, Chapter 447, Fences.
2. Direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences.