

Application for Fence Exemption 43 Banff Road

Date: May 11, 2021
To: North York Community Council
From: East District Manager Municipal Licensing and Standards
Wards: Ward 15- Don Valley West

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 owner of 43 Banff Road to maintain an existing horizontal composite fence on a deck in the rear yard. The existing horizontal composite fence does not meet the height requirements specified in City of Toronto Municipal Code, Chapter 447, Fences.

RECOMMENDATIONS

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

1. Refuse the application for an exemption submitted by the property owner of 43 Banff Road, to maintain an existing horizontal composite fence in the rear yard, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that an unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences; or
2. Grant the exemption to the property owners of 43 Banff Road to maintain the existing horizontal composite fence in the rear yard to be maintained in the same condition without alteration. At such time as replacement of the fence is required that the replacement fence will comply with Municipal Code Chapter 447, Fences; or its successor by-law.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

An application for a fence exemption was submitted by the property owner based on the By-law violation with the existing horizontal composite fence in the rear yard. In the same manner, all required notifications have been sent in accordance with Municipal Code Chapter 447, by the City Clerk's office the application for exemption will be considered by North York Community Council. (Attachment 1)

COMMENTS

It was determined by the Officer that the subject property's existing horizontal composite fence in the rear yard does not comply with the height provisions of Toronto Municipal Code Chapter 447- Fences. As a result of an inspection a Notice of Violation was issued to the property owners.

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Rear Yard	North side of property	Horizontal composite fence 2.5 meters. The permitted height is 2.0 meters on a deck.	1.2B.(1)

In response to the Notice Of violation the property owners of 43 Banff Road submitted a Fence Exemption Application, on the grounds that the fence provides privacy, security and is aesthetically pleasing. There are no health and safety issues with the fence that would cause concern for public safety.

However, should North York Community Council decide to grant the owner the exemption, the owner will be subject to the conditions for compliance as set out in recommendation 2.

CONTACT

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SIGNATURE

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ATTACHMENTS:

1. View of properties adjacent to 43 Banff Road
2. Front view of 43 Banff Road
3. North view of fence at 43 Banff Road.
- 4 View of fence on deck in rear yard

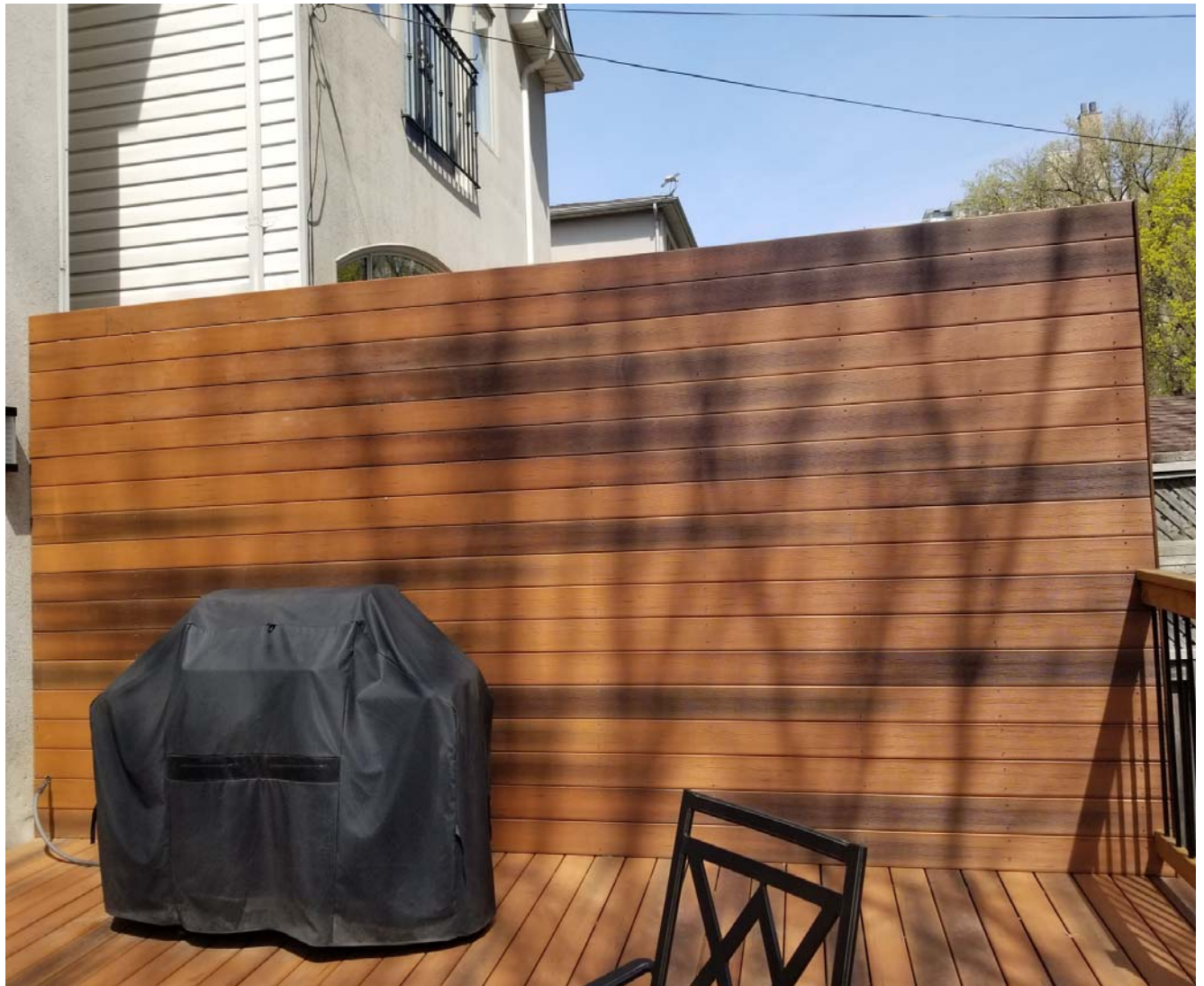
Attachment 1: View of properties adjacent to 43 Banff Road.



Attachment 2: Front view of 43 Banff Road.



Attachment 3: North view of fence at 43 Banff Road.



Attachment 4: View of fence on deck in rear yard

