

Application for Fence Exemption 255 Finch Avenue East

Date: August 15, 2021
To: North York Community Council
From: District Manager Municipal Licensing and Standards
Wards: Ward 18-Willowdale

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 255 Finch Avenue East to maintain an existing privacy fence in the rear yard. The existing privacy 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 255 Finch Avenue East, to maintain an existing privacy 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 255 Finch Avenue East to maintain the existing privacy fence in the rear yard in the same condition without alterations. At such time as replacement of the fence is required that the replacement fence complies 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 privacy 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 privacy 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	South side of property	The existing privacy fence is 3.0 metres in height. The permitted height is 2.0 metres.	1.2B.(1)

The property owners of 255 Finch Avenue East 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

Gail Pryce
Municipal Licensing and Standards
East District
Tel: 416-396-7431 Fax: 416-395-7056
Email: Gail.Pryce@toronto.ca

SIGNATURE

Elena Sangiuliano, District Manager
Municipal Licensing and Standards

ATTACHMENTS:

1. View of properties adjacent to 255 Finch Ave East
2. Front view of 255 Finch Avenue east
3. East view of privacy fence
4. South view of privacy fence
5. View West of fence

Attachment 1: View of properties adjacent to 255 Finch Ave East



Attachment 2: Front view of 255 Finch Avenue east



Attachment 3: East view of privacy fence



Attachment 4: South view of privacy fence



Attachment 5: View West of fence

