

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 32 Cork Avenue

Date: August 23, 2021

To: North York Community Council

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

Wards: Ward 8 - Eglinton-Lawrence

SUMMARY

This staff report concerns 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 advise Community Council concerning an application by the property owner of 32 Cork Avenue 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 Community 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 limits on all sides of the rear yard. The fence material is wood (board on board).

A Notice of Violation has been issued to the property owner.

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, West District recommends that North York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 32 Cork Avenue, for an existing fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a final 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), to the property owner of 32 Cork Avenue, thereby allowing the existing fence to remain

installed as is. 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, Fences, 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 June 28, 2021, in regards to an existing fence installation, 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 North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that North York Community Council will consider the application.

The subject property, 32 Cork Ave, is located in Ward 8. The property is a 2 storey detached residential home. It neighbours single family dwellings on the east and west and a multi-residential building on the north property line.

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 and West property line	Wood fence The fence is 2.29 m (7 feet in height)	Section 447-1.2(B)(1) Maximum height of 2 metres
	North Property line	Wood Fence The fence is 3.1 metres (10 feet 4 inches) in height, 17 m (56 feet) in length	Section 447-1.2(B)(1) Maximum height of 2.5 metres

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

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SIGNATURE

Joe Magalhaes
District Manager
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: iView Map of property – 32 Cork Ave
Attachment 2: Letter from applicant
Attachment 3: photograph of rear yard fence (facing north)
Attachment 4: photograph of east side fence (facing north)
Attachment 5: photograph of West side fence (facing north west)
Attachment 6: Letter of support - 30 Cork Ave

Attachment 1: iView Map of property – 32 Cork Ave

