



REPORT FOR ACTION

Request for Fence Exemption – 26 Bowater Drive

Date: August 6, 2021
To: Scarborough Community Council
From: Manager
Municipal Licensing and Standards, East District
Wards: Ward 22 Scarborough-Agincourt

SUMMARY

This staff report concerns a matter for which the Scarborough 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 submitted by the property owners of 26 Bowater Drive for a site-specific Fence Exemption, pursuant to Section 447- 1.5 B. (1) of Toronto Municipal Code, Chapter 447- Fences. The property owners are seeking Community Council's permission to be exempt concerning the height of the wood fence in the rear yard which does not comply with height restrictions of Section 447-1.2. of the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences, as detailed below in the following chart:

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	Rear property line fence.	Existing 2.80m high Fence Exceeds the Permitted Height of 2.0m	Section 447-1.2. B., Table 1 Item 9. Description of Fence Any other fence. Fence on single or multiple residential property. Max Height 2.0m

The subject property, 26 Bowater Drive, is a reverse pie shaped lot, with a two story detached residential dwelling. It is located in Ward 22, in a Residential Zoned Area, East of Warden Avenue, North of Sheppard Avenue and backs on to a residential property on Robintide Court.

RECOMMENDATIONS

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

1. Refuse to grant the application for a fence exemption, by the owners of 26 Bowater Drive to permit the existing wood fence in the rear yard which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that a second 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 26 Bowater Drive to permit the existing wood 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

There is no financial impact anticipated in this report.

DECISION HISTORY

In the spring of 2021 the property owner of 26 Bowater Drive repaired, repainted and added the decorative top piece to the existing wood privacy fence in the rear yard, bringing the height of the fence to 2.80m.

On May 6, 2021 Municipal Licensing and Standards received a complaint from a member of the public that the fence in the rear yard of 26 Bowater Drive exceeded the permitted height of 2.0m. On May 12, 2021 a Notice of Violation was issued to the property owners of 26 Bowater Drive, for height of the fence exceeding the height permitted by Chapter 447 Fences of the Toronto Municipal Code.

The property owners submitted a fence exemption application in writing, on June 10th, 2021, to permit the fence in the rear yard, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "privacy, security, safety and aesthetics" as the reason for the application.

As required by Section 447- 1.5 B.(5), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Scarborough Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Scarborough Community Council will consider the application.

COMMENTS

The rear yard of the residential property on Robintide Court that it backs onto 26 Bowater Drive is more than 1.0m above the rear yard of 26 Bowater Drive.
The fence in the rear yard of 26 Bowater Drive is not as high as the fence posts of the fence on the Robintide Court property.

CONTACT

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SIGNATURE

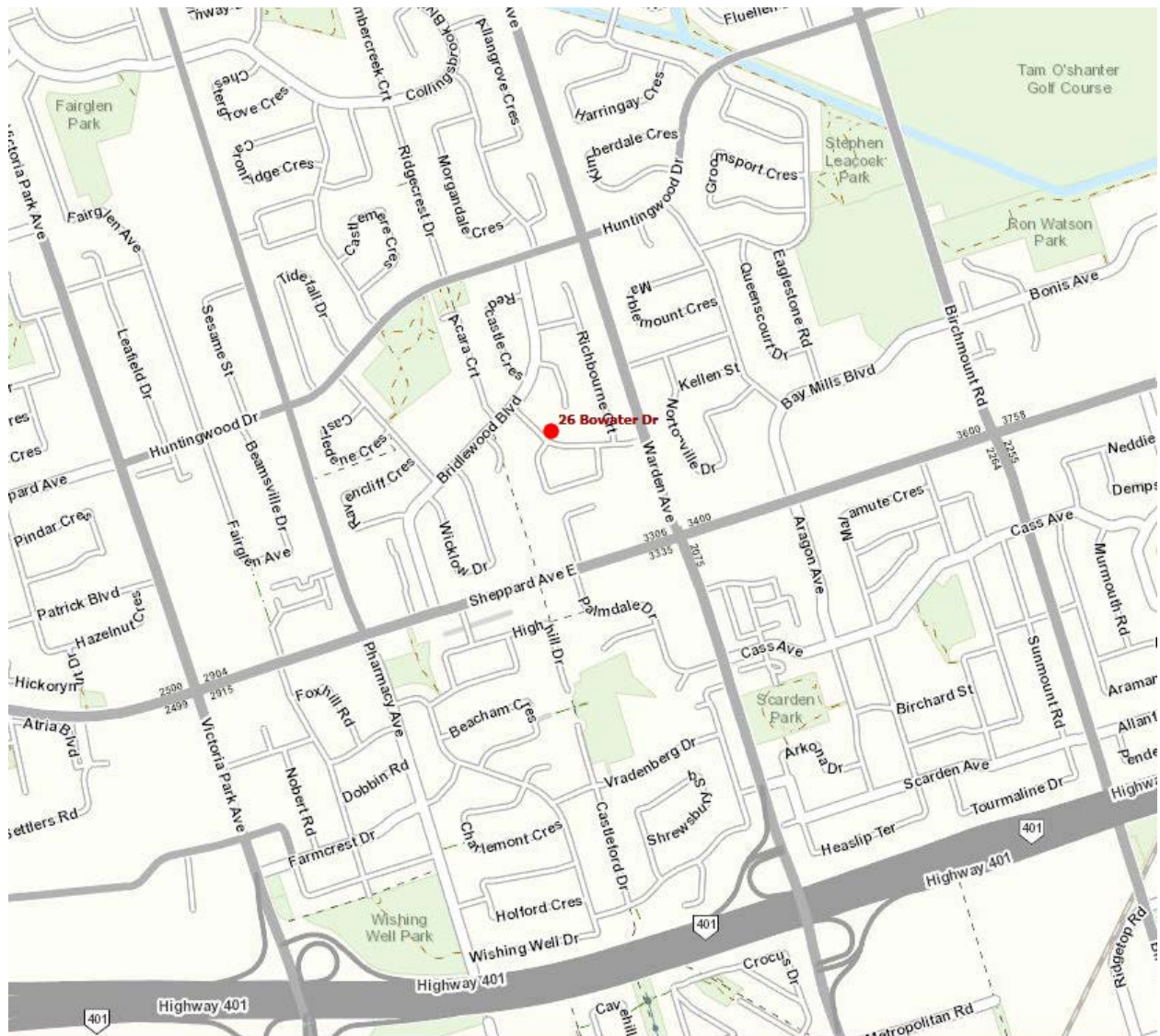
Elena Sangiuliano
Manager, East District Municipal Licensing & Standards

ATTACHMENTS

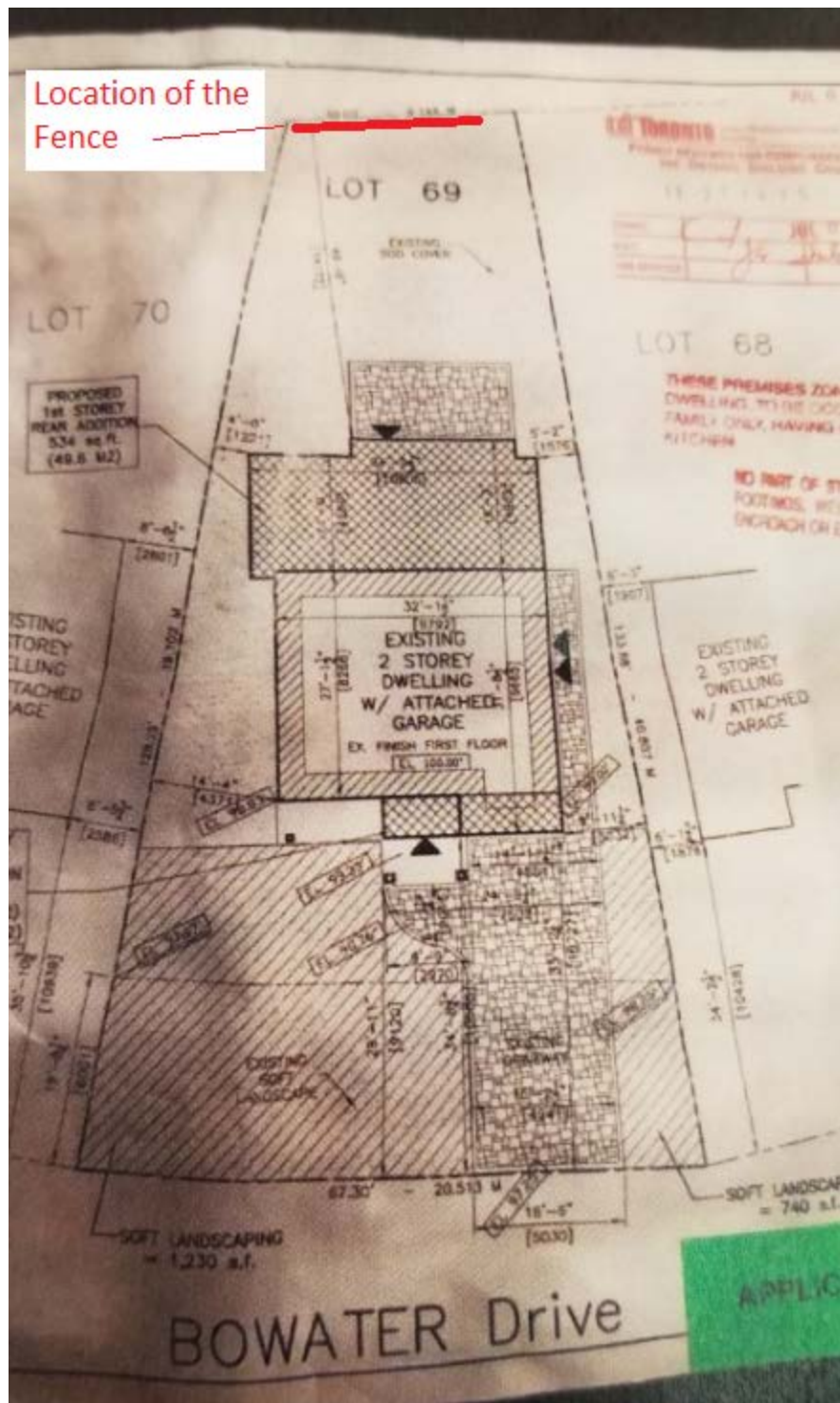
Attachment 1. – Location of 26 Bowater Drive iView Map

Attachment 2. – Site Plan

Attachment 3. – Photos of Rear Yard 26 Bowater Drive



Attachment 1. - Location of 26 Bowater Drive iView Map



Attachment 2. – Site Plan



Attachment 3. – Photos Rear Yard 26 Bowater Drive