

**Request for Fence Exemption – Front Yard – 38  
Helena Avenue**

**Date:** June 20<sup>th</sup>, 2021.

**To:** Toronto and East York Community Council

**From:** Chris Ellis, District Manager, Municipal Licensing & Standards, Toronto and East York District

**Wards:** Ward 12

**SUMMARY**

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This staff report is in regards to a matter for which the Toronto and East 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(s) of 38 Helena Avenue, for a site-specific Fence Exemption, pursuant to the Toronto Municipal Code, Chapter 447- Fences. The property owner(s) is seeking Council's permission to be exempt from Chapter 447–1.2.B(1) – Fence height.

The subject property of 38 Helena Avenue is located in Ward 12, on a residentially zoned property. This property is a semi-detached house.

GENERAL LOCATION	SPECIFIC LOCATION	CURRENT/ EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Front Yard	West side of property, located between 38 and 40 Helena Avenue.	The existing fence consists of 3 wooden panels of 1 inch horizontal slats, and in its current location does not pose a sight line violation. Each panel measures as indicated below: Panel 1 (next to the sidewalk) – 4.4ft (53 inches) in height and 5.3ft (63.5 in) wide. No violation. Panel 2 (middle) – 2.07m (6.8ft) in height and 1.7 (5.7ft) wide. Panel 3 (Exterior wall of property) – 2.8m (9.3ft) in height and 1.6m (5.4ft) wide.	Chapter 447–1.2B  Fence height.

## **RECOMMENDATIONS**

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

1. Refuse to grant the application for an exemption permit, by the owner(s) of 38 Helena Avenue, front yard fence height, for failing to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for the existing front yard fence, without conditions. Direct and require that the installation be maintained in good repair without alteration. Direct and require that at such time as replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

## **FINANCIAL IMPACT**

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There is no financial impact anticipated in this report.

## **DECISION HISTORY**

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After receiving a fence violation notice dated November 20<sup>th</sup>, 2020, the owner(s) submitted a fence exemption application, in writing, on December 11th 2020. The application is requesting a site specific exemption for an existing fence, with Section 447-1.5.(B) of Toronto Municipal Code, Chapter 447- Fences, to exceed the allowable fence height according to the by-law.

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

## **COMMENTS**

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The existing wooden fence is constructed in the front yard, on the West side of the property between 38 and 40 Helena Avenue. The current fence construction violates the City of Toronto Municipal Code, Chapter 447- Fences requirements, with respect to being in excess of 2 metres (6.6ft) in height. It is important to note that the fence does not contravene any other provisions of the bylaw.

The boundary fence that is the subject of this report, is located entirely on the property of 38 Helena Avenue.

To further explain, the applicant is seeking an exemption for the existing front yard fence height to exceed the 2m (6.6ft) maximum height requirement for panels 2 and 3 as the 1<sup>st</sup> panel is not in violation as it meets the maximum height requirement, measuring 53 inches (4.5ft).

Only the average height is regulated by the bylaw and that is shown in the table above.

## **CONTACT**

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## **SIGNATURE**

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Christopher Ellis, Manager,  
Municipal Licensing and Standards  
Toronto and East York District

## **ATTACHMENTS**

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Appendix 1 - Location of subject property from iView showing areas subject to the exemption request in red.

Appendix 2 – Picture taken of the Front Yard fence location, showing no sight line Violation. No driveway.

Appendix 3 – Front Yard view from 38 Helena Avenue

Appendix 4 – Front yard view from 40 Helena Avenue elevation

Appendix 1 - Location of subject property from iView showing the front yard for the exemption request received.



Appendix 2 – Picture taken of the Front Yard fence location, showing no sight line Violation. No driveway



Appendix 3 – Front Yard view from 38 Helena Avenue



Appendix 4 – Front yard view from 40 Helena Avenue elevation



**List of Names Provided by ML&S to City Clerk for Council Meeting Notification**

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