



September 8, 2021

Via Email: teycc@toronto.ca

The Chair and Members of Toronto & East York
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Attention: Ellen Devlin, Council Secretariat

Dear Ms. Devlin:

**Re: TE27.15: Request for Fence Exemption - Front Yard
38 Helena Avenue, Toronto**

We are counsel to Catherine Donaldson (the "Applicant"), the owner of the property located at 38 Helena Avenue in the City of Toronto (the "Subject Lands"). This letter has been prepared in support of an application for a site-specific fence exemption to allow for fence heights on the Subject Property to exceed the maximum permitted height of 1.2m, pursuant to Chapter 447-1.2B(1) of the Toronto Municipal Code (the "Application"). The Application is scheduled to be considered by Toronto East York Community Council on September 9, 2021.

By way background, the Applicant acquired the Subject Lands in 2018 and has spent the past few years restoring the property. The fence is located entirely on the Subject Lands and was constructed as a privacy screen to obscure the neighbour's unkept front yard, which is used as storage for various bins and littered with debris.

A Notice of Violation was issued, dated November 20, 2020, indicating that the newly installed fence exceeded the maximum allowable fence height of 1.2m (within 2.4m of a public highway). The Application was submitted on December 11, 2020 and included five letters of support from surrounding neighbours, which welcomed the improvement and enhancement to the property.

The fence was constructed in a sensitive manner, gradually decreasing in height in three separate sections. City Staff in the report dated June 20, 2021 (the "Report"), confirm that the fence does not contravene any other provisions of the by-law. The Report also provides photographic evidence that the fence does not produce a sightline violation.

The fence was constructed to ensure that there is plenty of space between the wood slats, rather than an entirely opaque design, and is consistent with the character of other fences within the neighbourhood, both in style and height.

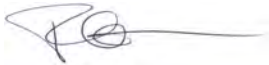
The Applicant has undertaken a survey of fences in the surrounding neighbourhood and found that there are multiple fences of a similar, well-designed style that appear to exceed the 1.2m and 2.0m maximum fence heights established by the Toronto Municipal Code. Examples are enclosed.

Based on the foregoing, we request that Council adopt Staff Recommendation #2 in the Staff Report to grant the application for the existing front yard fence on the Subject Lands, without conditions.

Please contact the undersigned should you have any questions.

Yours truly,

Cassels Brock & Blackwell LLP



Raivo Uukkivi
Partner

RU/oa

ADMIN*3084988.1

38 Helena Ave – Fence Exemption Request Comparable Neighbourhood Fences

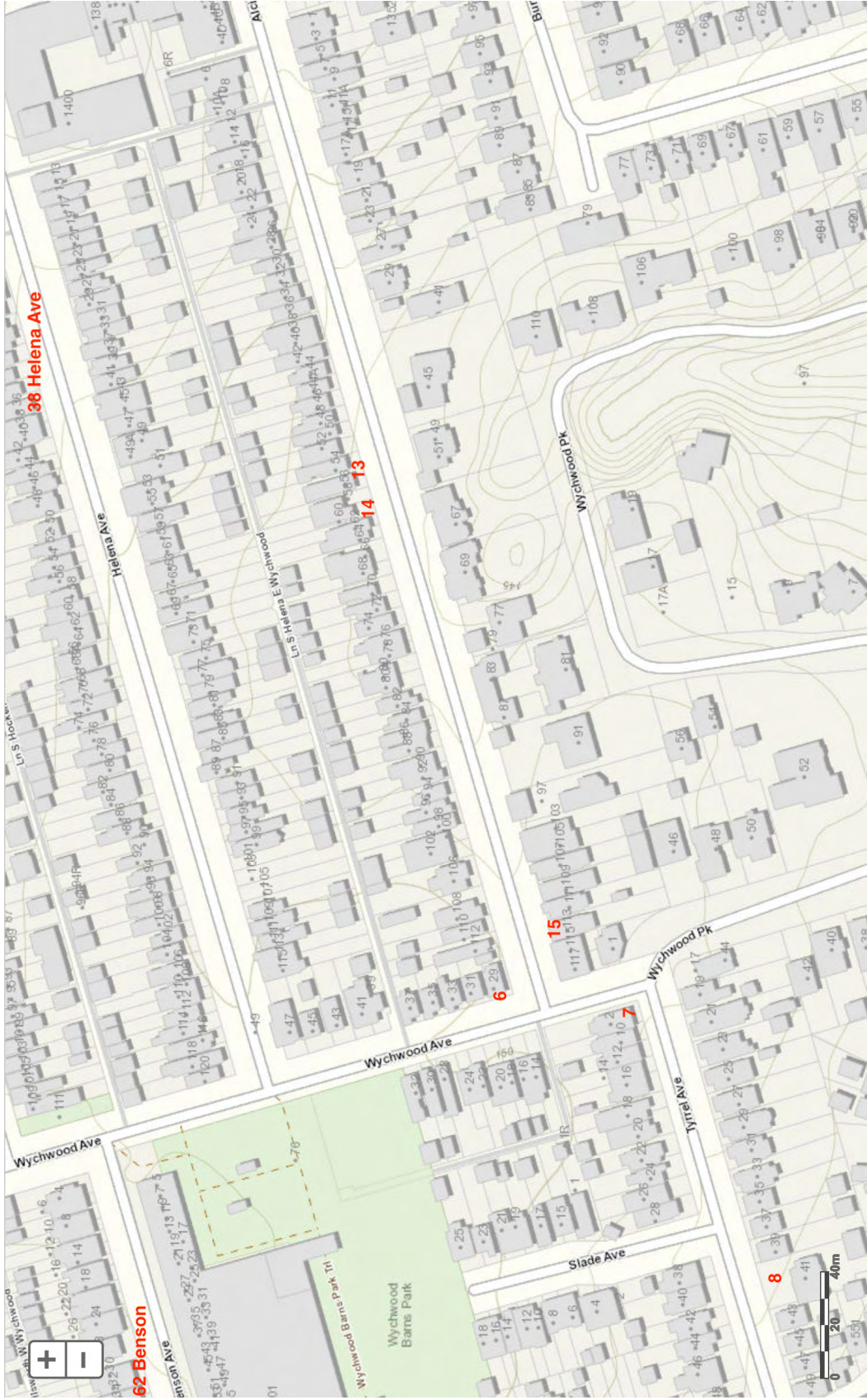
38 Helena Ave

Panel number 3 (closest to house)

Measures 53.5" from verandah / landing to top of fence. The intention was to be in keeping with the forward panel.







+

-

62 Benson

38 Helena Ave

13

14

15

6

7

8

1. 32 Helena Ave

Chain-link fence runs from sidewalk to house at same height
Measures 60"



2. 49 Helena Ave

East Side – large wooden slat fence that runs from sidewalk to house
Measures 73" +



49 Helena Ave

West Side – wooden slat fence that runs from sidewalk to house
Measures 56"



3. 91 Helena Ave

Stepped down fence from house to sidewalk



4. 97 Helena Ave

Front fence enclosing lawn with garbage bin box and tall archway
No measurements taken



5. 118 Helena Ave

Solid wooden fence with lattice top
Measures 66"



6. 29 Wychwood Ave

Slatted fence – same height from sidewalk to house
Measures 69"



7. 2 Tyrell Ave

Entire side and rear yard slatted fencing
Measures 81.5"



8. 41 Tyrell Ave

Wrought Iron fence enclosing front yard
Measures 68" with taller hedge inside fence



9. 62 Benson Ave

Solid and thick fence beside front parking that steps up from sidewalk to house
Front section measures 55" and rear taller section measures 81.75" (height increases 15' from sidewalk)



10. 129 Wychwood Ave

Solid fence at rear and side of yard

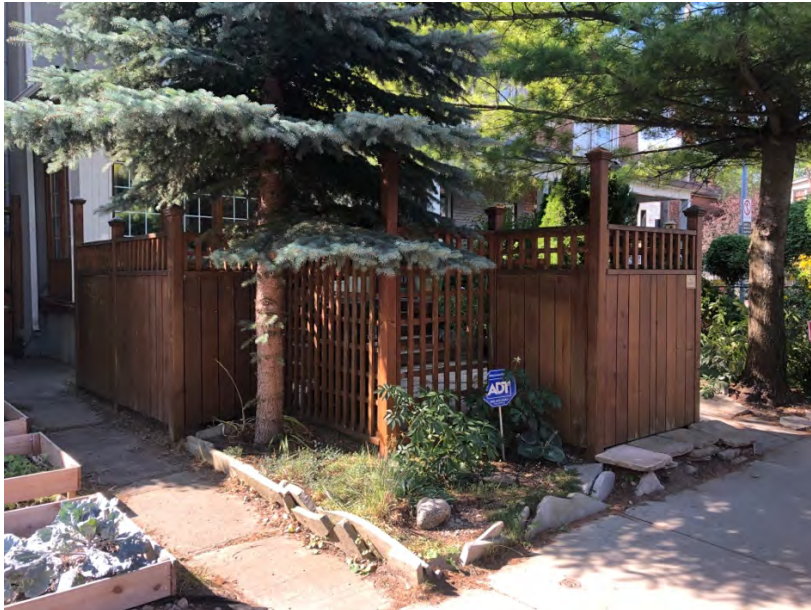
Measures 62.5"



11. 101 Ellsworth Ave

Front yard enclosure

Measures 64" at top of fence and 83" at top of post



12. 62 Ellsworth Ave

Slatted fence stepped up at house
No measurement taken



13. 56 Alcina Ave

Lattice fence stepped up at house
No measurement taken



14. 62 Alcina Ave

Lattice fence stepped up at house
No measurement taken



15. 115 Alcina Ave

Lattice fence at same height from sidewalk to house
Measurement 61"

