

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 11 Van Dusen Boulevard

Date: April 27 2022

To: Etobicoke York Community Council

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

Wards: Ward 3 - Etobicoke-Lakeshore

SUMMARY

This staff report concerns a matter for which the Etobicoke 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 11 Van Dusen Boulevard 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 install a fence along the rear property line that will not comply with the standards stipulated by Section 447-1.2(B)(1). There is a grade difference between the two properties.

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption permit, by the property owner of 11 Van Dusen Boulevard, for a proposed fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for a fence exemption permit (with or without conditions) to the property owners of 11 Van Dusen Boulevard, thereby allowing the proposed fence to be installed. 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 March 19 2022, in regards to a new 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 Etobicoke York Community Council consideration, and, the City Clerk has sent all requisite notifications of the date that Etobicoke York Community Council will consider the application.

The subject property, 11 Van Dusen Boulevard, is located in 3. The property is 2 storey detached residential home.

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	South property line fence	Pressure treated wood privacy fence at a height of 2.75 metres	Section 447-1.2(B)(1) Maximum height of 2 metres when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence

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

Gurminder Purba, Supervisor,
Municipal Licensing & Standards
West District
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SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment 1: iView Map of property – 11 Van Dusen Boulevard
Attachment 2: photograph of current rear fence (photo is facing south)
Attachment 3: photograph of rear fence (photo is facing north from 19 Orchard Cres)
Attachment 4: Letter of Support from 17 and 19 Orchard Cres

Attachment 1: iView Map of property – 11 Van Dusen Boulevard



Attachment 2: photograph of current rear fence (photo is facing south)



Attachment 3: photograph of rear fence (photo is facing north from 19 Orchard Cres)



Attachment 4: Letter of Support from 17 and 19 Orchard Cres

Re: Fence Height Increase

Saturday, Mar 19, 2022, 1:05 PM

To: Marius Beldycki <beldycki@gmail.com>

From: andy <andy.pauksens@hotmail.com>

Thx Marius!

Andy

Sent from my BlackBerry — the most secure mobile device — via the Rogers Network

From:

Sent: March 19, 2022 1:01 PM

To:

Subject: Fence Height Increase

To whom it may concern,

I, Marius Beldycki, legal owner of both 17 and 19 Orchard Crescent approve of the fence height exemption of 2.75 meters (9 feet) request for the rear south facing fence submitted by the owners (Andy Pauksens and Linda Lazda) of 11 Van Dusen Blvd in Etobicoke.

17 and 19 Orchard Crescent (lots 36 and 37 on registered city plan 3451) both back onto the proposed fence in question and are the only homes that do so.

Marius Beldycki