

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 51 Edgehill Road

Date: Jun 9 2022

To: Etobicoke York Community Council

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

Wards: Ward 2 - Etobicoke Centre

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 51 Edgehill Road 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 (gate) in the front yard that will not comply with the standards stipulated by Section 447-1.2(B)(1). The applicant is also seeking permission to keep a rear yard fence that does not comply with the standards stipulated by Section 447-1.3(D) regarding minimum swimming pool enclosure height.

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 51 Edgehill Road, 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 51 Edgehill Road, 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 May 05, 2022, in regards to a new and 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 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, 51 Edgehill Road, is located in Ward 2. The property is a 2 storey detached residential home. There is a swimming pool installed in the rear yard. Applicant listed security and safety as reasons for the request for the front fence and indicated that the rear glass fence sits atop a wall that has 6' plus drop and the rear yard has security cameras and 24 hour patrol on the property.

See the table below for the dimensions of the fence in question.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
1. Front Yard – gate	West property line on driveway	Indiana limestone and wrought iron (combination)	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
2. Rear yard - pool enclosure	Rear of property	Frameless glass at a height of 1.07 m (42 inches)	Section 447-1.3(D)(1) The minimum height of a swimming pool

			enclosure above the highest outside grade within one metre of the enclosure shall be 1.2 metres when measured at any point along the enclosure.
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COMMENTS

While the proposed/installed fences violate Toronto Municipal Code, Chapter 447- Fences with respect to height and swimming enclosure requirements, it does not appear to contravene any other provisions of the bylaw.

No notice has been issued to the property owner at the time of this report. If the exemption is refused, a notice of violation will be issued.

CONTACT

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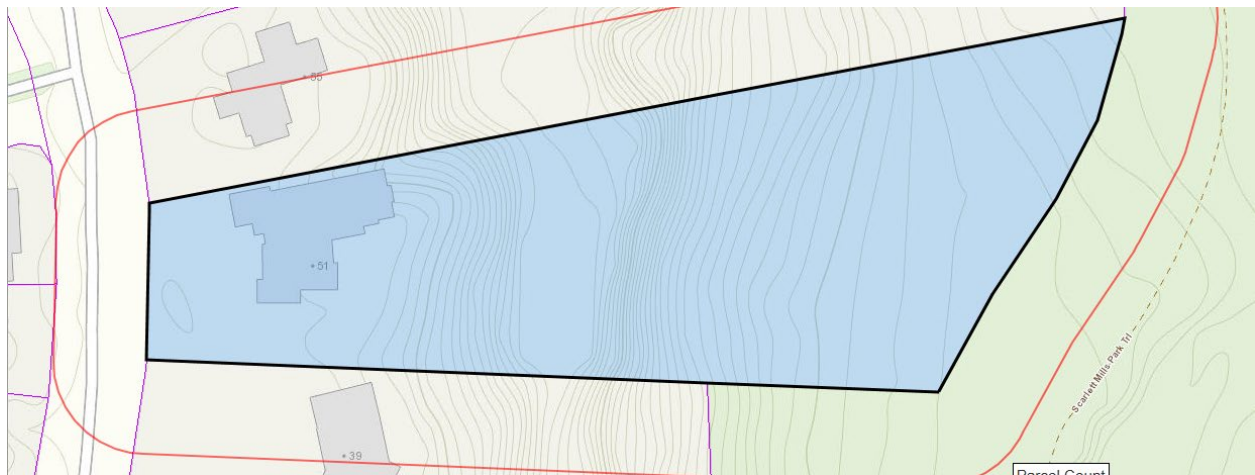
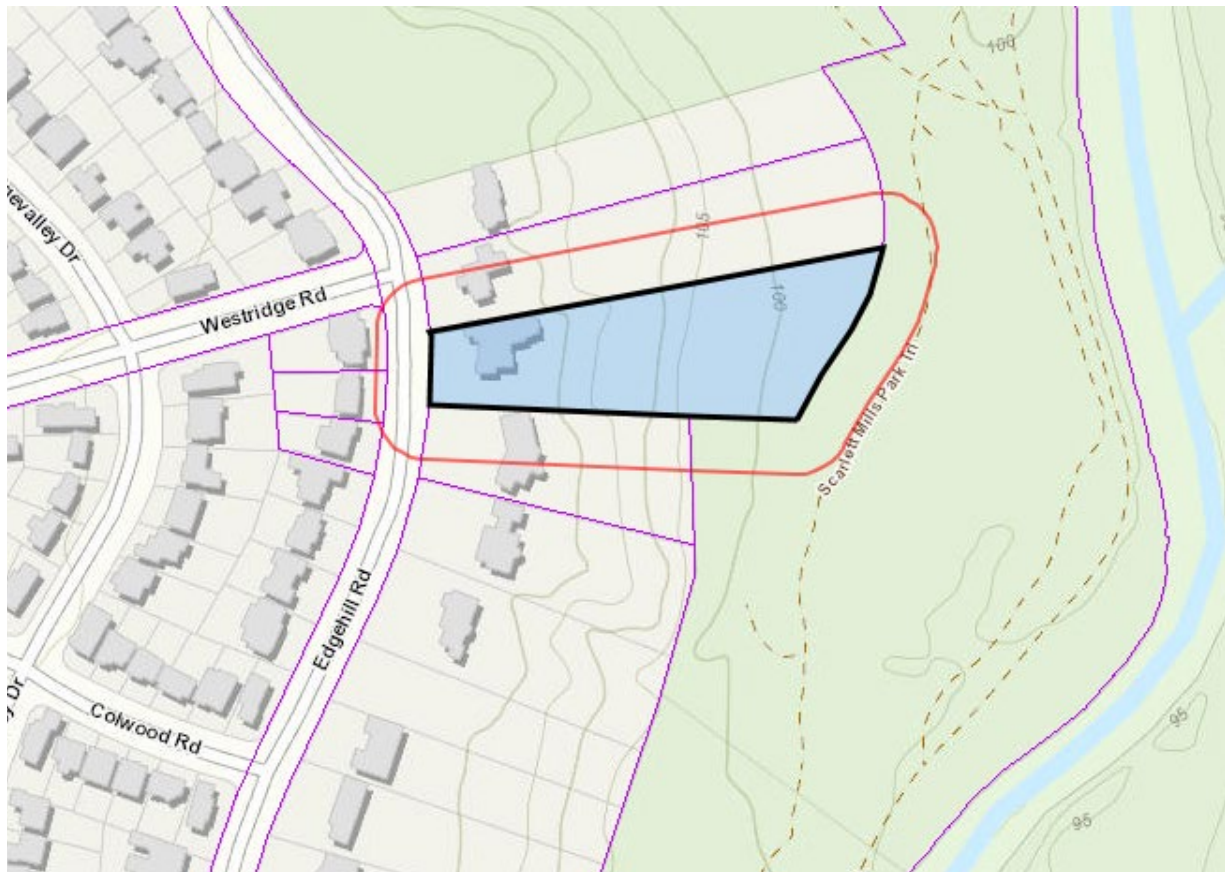
SIGNATURE

Joe Magalhaes
District Manager

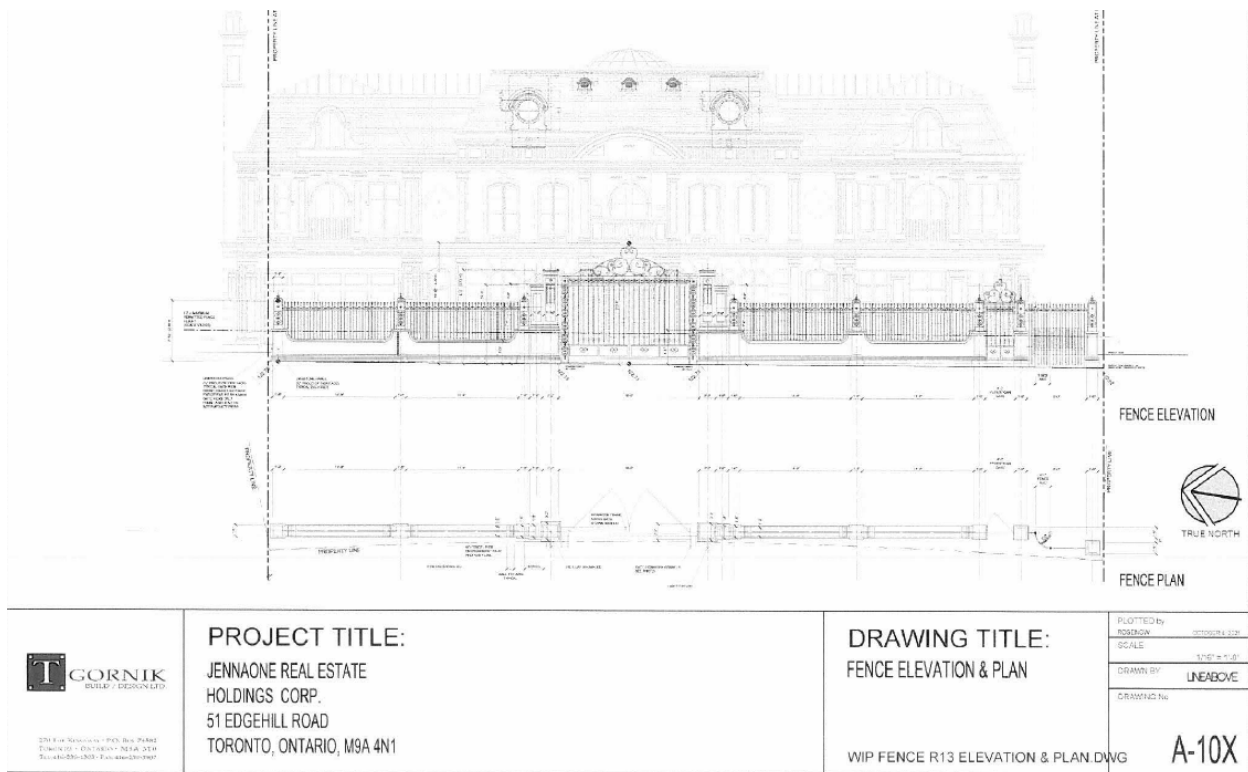
ATTACHMENTS

Attachment 1: iView Map of property – 51 Edgehill Road
Attachment 2: Schematic of Proposed Front Gate
Attachment 3: photograph frameless glass enclosure installation
Attachment 4: photograph frameless glass enclosure installation

Attachment 1: iView Map of property - 51 Edgehill Road



Attachment 2: Schematic of Proposed Front Gate



Attachment 3: photograph frameless glass enclosure installation



Attachment 4: photograph frameless glass enclosure installation



Attachment 5: schematic indicating the height of the glass panel

