

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 191 Gamma Street

Date: Jun 9 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 191 Gamma Street 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 keep a fence located in the rear yard, being used as a portion of the swimming pool enclosure. The fence does not comply with Ch. 447-1.2(B)(1) in regards to the height of the fence.

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 191 Gamma Street, 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 191 Gamma Street, thereby allowing the existing fence to remain as constructed. 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 11 2022, in regards to an 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, 191 Gamma Street, is located in Ward 2. The property is 2 storey detached residential unit.

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, North and east perimeter of the property in the rear yard	Wood construction South and North fence is approximately 2.12 metres in height East fence is approximately 2.21 metres on top of a retaining wall	447-1.2(B) (1) No fence described in Table 1 shall, 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, exceed the height set out in the Table for 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.

A notice has been issued to the property owner. A second, and final, notice will be issued if the exemption is refused.

CONTACT

Gurminder Purba, Supervisor,
Municipal Licensing & Standards
West District
Tel. (416) 392-7610
E-mail: gurminder.purba@toronto.ca

SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment 1: iView Map of property – 191 Gamma Street
Attachment 2: Photograph of East side Fence
Attachment 3: Photograph of perimeter fence (photo taken facing South East)
Attachment 4: Photograph of south perimeter fence (photo taken facing South)
Attachment 5: Photograph of north perimeter fence (photo taken facing West)
Attachment 6: Pool enclosure permit submission
Attachment 7: Letters of support from neighbouring properties

Attachment 1: iView Map of property – 191 Gamma Street



Attachment 2: Photograph of East side Fence



Attachment 3: Photograph of perimeter fence (photo taken facing South East)



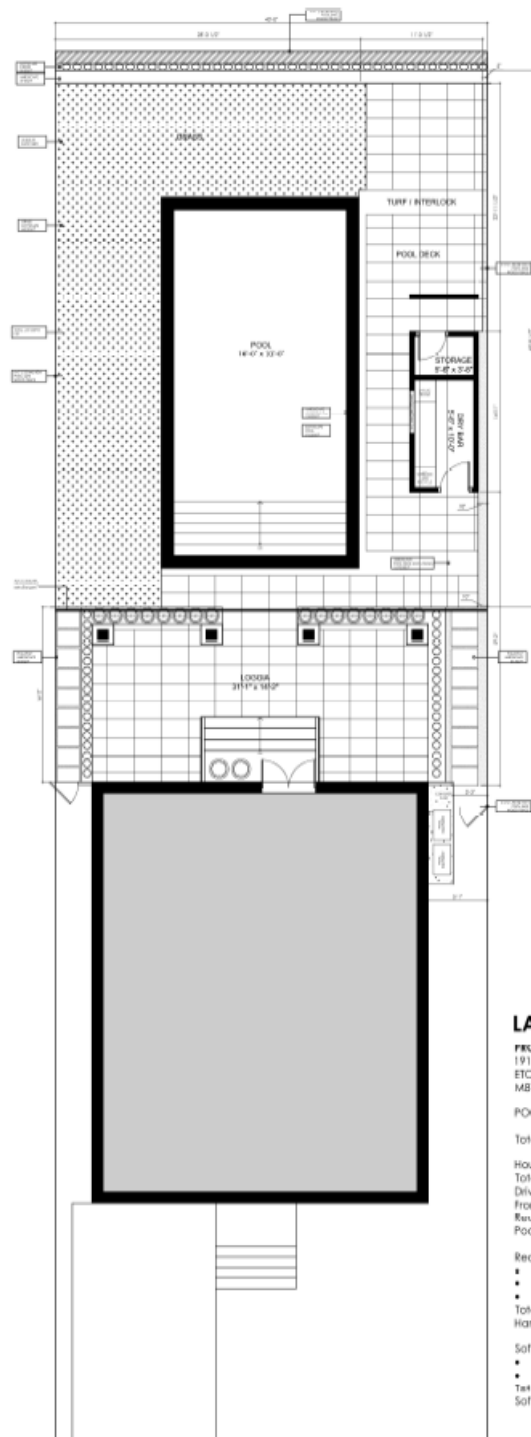
Attachment 4: Photograph of south perimeter fence (photo taken facing South)



Attachment 5: Photograph of north perimeter fence (photo taken facing West)



Attachment 6: Pool enclosure permit submission



Attachment 7: Letters of support from neighbouring properties

To whom it may concern,

I hereby approve and have no issues with the fence height at 191 Gamma St. My signature below confirms that I have no problem and wont have any problems in forthcoming future. Thank you and I hope my signature below approves/helps with the closing of the permit at the leraci residence.

Joe Borromeo

Name
April 7, 2022

[Signature]

Signature
April 7, 2022

Tim Hodges

Name
April 7, 2022

[Signature]

Signature
April 7, 2022

Amedeo Martino

Name
April 7, 2022

[Signature]

Signature
April 7, 2022

April 7, 2022