

Application for Fence Exemption – 2 Josaly Drive

Date: March 30, 2022

To: Scarborough Community Council

From: Manager Municipal Licensing & Standards, East District

Wards: Ward 25 – Scarborough-Rouge Park

SUMMARY

This staff report concerns a matter for which the Scarborough Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application by the owner(s) of 2 Josaly Drive for a site-specific Fence Exemption, pursuant to Section 447-1.2 A(1) Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Community Council's permission to keep a fence that is 2.65 meters (8ft 7in) which exceeds the maximum allowable height of 1.2 meters in a front yard and 2.0 meters on the flankage yard. A notice of violation was issued on March 29, 2022.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 2 Josaly Drive, for an existing fence that is 2.65 meters (8ft 7in) which 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 2 Josaly Drive, thereby allowing the existing fence to remain at 2.65 meters (8ft 7in). 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 financial impact anticipated in this report.

DECISION HISTORY

As required by Section 447-1.5(B)(1), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Scarborough Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Scarborough Community Council will consider the application.

COMMENTS

The proposed fence violates Toronto Municipal Code, Chapter 447 – Fences requirements with respect to fence height.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Flankage yard and Front Yard	West side flankage yard and front yard	Fence is 8ft 7inch in height	447-1.2 A(1) Table 1 Item 1 Fence in a front yard; and within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane) Maximum Height - 1.2 meters & Item 3 Fence not in a front yard; and within 2.4 metres of a side lot line abutting a public highway (public highway does not include a public lane); and within 2.4 metres of a driveway Maximum Height - 2.0 meters

CONTACT

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SIGNATURE

Elena Sangiuliano
Manager, Municipal Licensing and Standards, East District

ATTACHMENTS

Attachment 1: iView Map of Property – 2 Josaly Drive
Attachment 2: Picture of stone fence on flankage yard
Attachment 3: Picture of stone fence from Port Union Road



Attachment 1: iView Map of Property – 2 Josaly Drive



Attachment 2: Picture of stone fence on flankage yard



Attachment 3: Picture of stone fence from Port Union Road