

## **Application for Fence Exemption – 17 Boswell Avenue**

**Date:** May 2, 2022  
**To:** Toronto and East York Community Council  
**From:** District Manager, Municipal Licensing and Standards, Central District  
**Wards:** Ward 11

### **SUMMARY**

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This staff report concerns a matter for which the Toronto and East 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 17 Boswell Ave. 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 for a pool enclosure above the standards 2.0 metres. This would not comply with the standards stipulated by Section 447-1.2 B. (1).

### **RECOMMENDATIONS**

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Municipal Licensing and Standards recommends that Toronto and East York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 17 Boswell Ave, for a proposed fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fence By-Law.

OR

2. Grant the application for an exemption permit to the property owners of 17 Boswell Ave., thereby allowing the proposed fence to be installed. Direct and require that the installation be maintained in good repair without alteration. Direct and require that 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

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There is no anticipated Financial Impact from this report.

## DECISION HISTORY

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The property owner submitted a fence exemption application, in writing, on April 1 2021, 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 Toronto and East York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Toronto and East York Community Council will consider the application.

The subject property of 17 Boswell Ave. Is located in Ward 11, on a residentially zoned property. This property consist of a semi-detached house.

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	East and South side fence	The existing fence consist of wood construction	Section- 1.2.B (1) of Toronto Municipal Code, Chapter 447- Fences.  The height of the fence exceeds the height permitted by this chapter. Fence greater than 2.0 metres.

## **COMMENTS**

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While the proposed fence violates Toronto Municipal Code, Chapter 447- Fences with respect to height, section of the east and south sides are adjoining onto commercial properties at 88 and 90 Avenue road, respectively. Other areas around the pool do appear to contravene other provisions of the bylaw. Namely, access points are not protected with functional self-closing and self-locking devices, located at the living room glass door and the porch glass door.

## **CONTACT**

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Municipal Licensing & Standards  
Toronto and East York District  
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## **SIGNATURE**

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Christopher Ellis, Manager,  
Municipal Licensing and Standards  
Toronto and East York District

## **ATTACHMENTS**

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Attachment # 1: iView Map of property – 17 Boswell Ave.

Attachment # 2: Attachment # 2: East fence 2.34 Metres

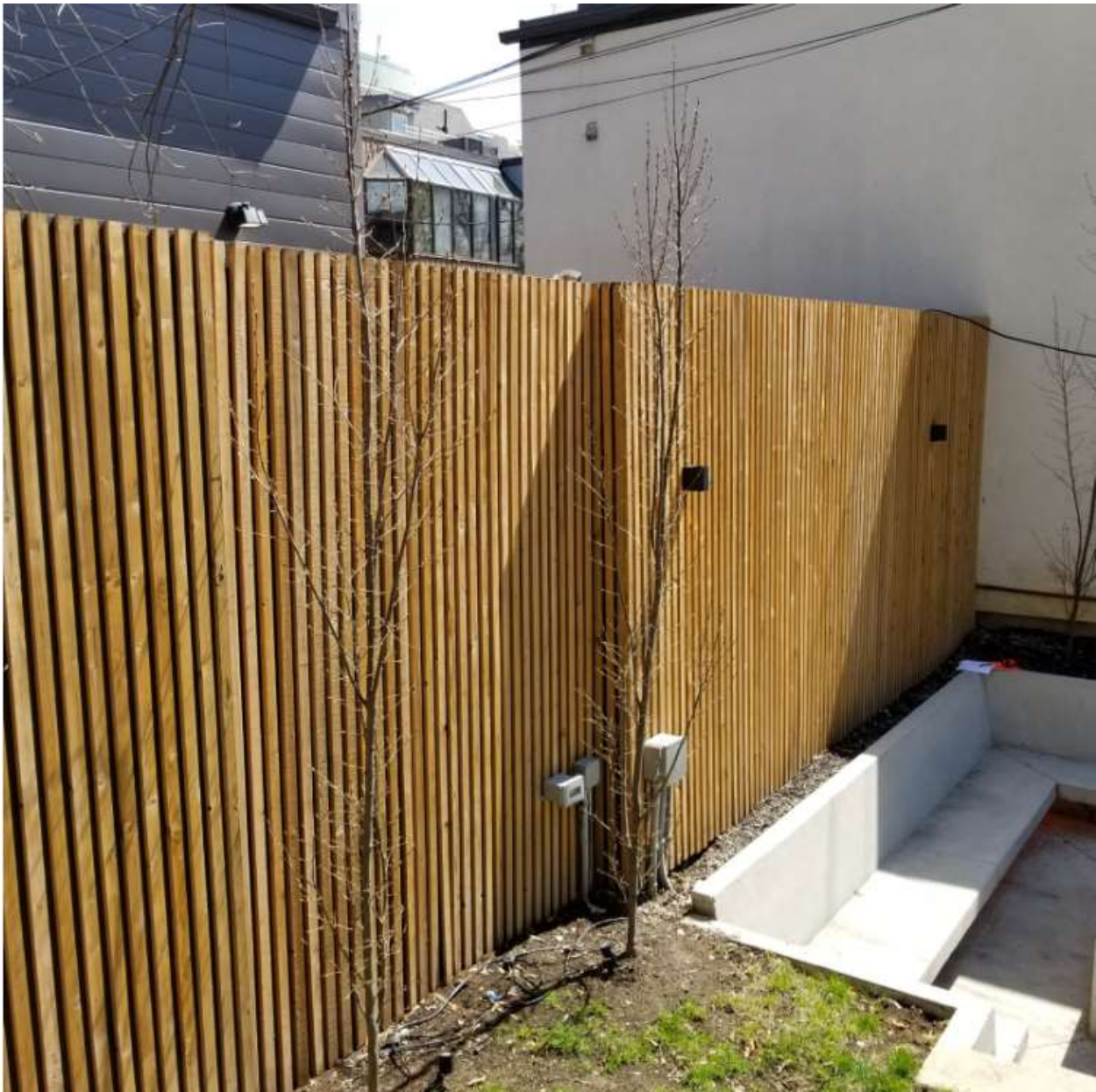
Attachment # 3: Rear South fence 2.34 Metres

Attachment # 4: Rear South east corner- neighbouring building incorporated in section of the fence 2.34 Metres

Attachment # 1: iView Map of property – 17 Boswell Ave



Attachment # 2: East fence 2.34 Metres



Attachment # 3: Rear South fence 2.34 Metres



Attachment # 4: Rear South east corner- neighbouring building incorporated in section of the fence 2.34 Metres

