

Application for Fence Exemption – 59 Kimberley Avenue

Date: May 31, 2022

To: Toronto & East York Community Council

From: Manager Municipal Licensing & Standards, Central District

Wards: Ward 19 – University-Rosedale

SUMMARY

This staff report concerns a matter for which the Toronto & East York 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 59 Kimberley Avenue to maintain a wooden lattice fence with a height of 2.4 meters (7.8 feet) in the rear yard on the north side of the property. The fence has a length of approximately 2.1 meters (7 feet). The fence is for safety. The fence would be in contravention of the Toronto Municipal Code, Chapter 447-1.2B (1) Table 1 – Maximum Height of Fences. Based on a complaint, a Notice of Violation was issued on June 3, 2021.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto & East York Community Council:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 59 Kimberley Avenue to maintain a wooden lattice fence with a height of 2.4 meters (7.8 feet) in the rear yard on the north side of the property, which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section 447-1.2B (1) Table 1- Maximum Height of Fences.

OR

2. Grant the application for an exemption permit, by the owner(s) of 59 Kimberley Avenue to maintain a wooden lattice fence with a height of 2.4 meters (7.8 feet) in the rear yard on the north side of the property. Direct and require that the existing fence be maintained in good repair without alteration. Direct and require that at such time as a 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 Toronto & East York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Toronto & East York 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*
Rear yard	Rear yard (North side of the property)	Wooden lattice fence with a height of 2.4 meters (7.8 feet)	447-1.2B (1) Table 1 Maximum Height of Fences. 2.0 meters maximum height

CONTACT

Nicole Sweetapple, Supervisor
Municipal Licensing & Standards
Central District
E-mail: nicole.sweetapple@toronto.ca

SIGNATURE

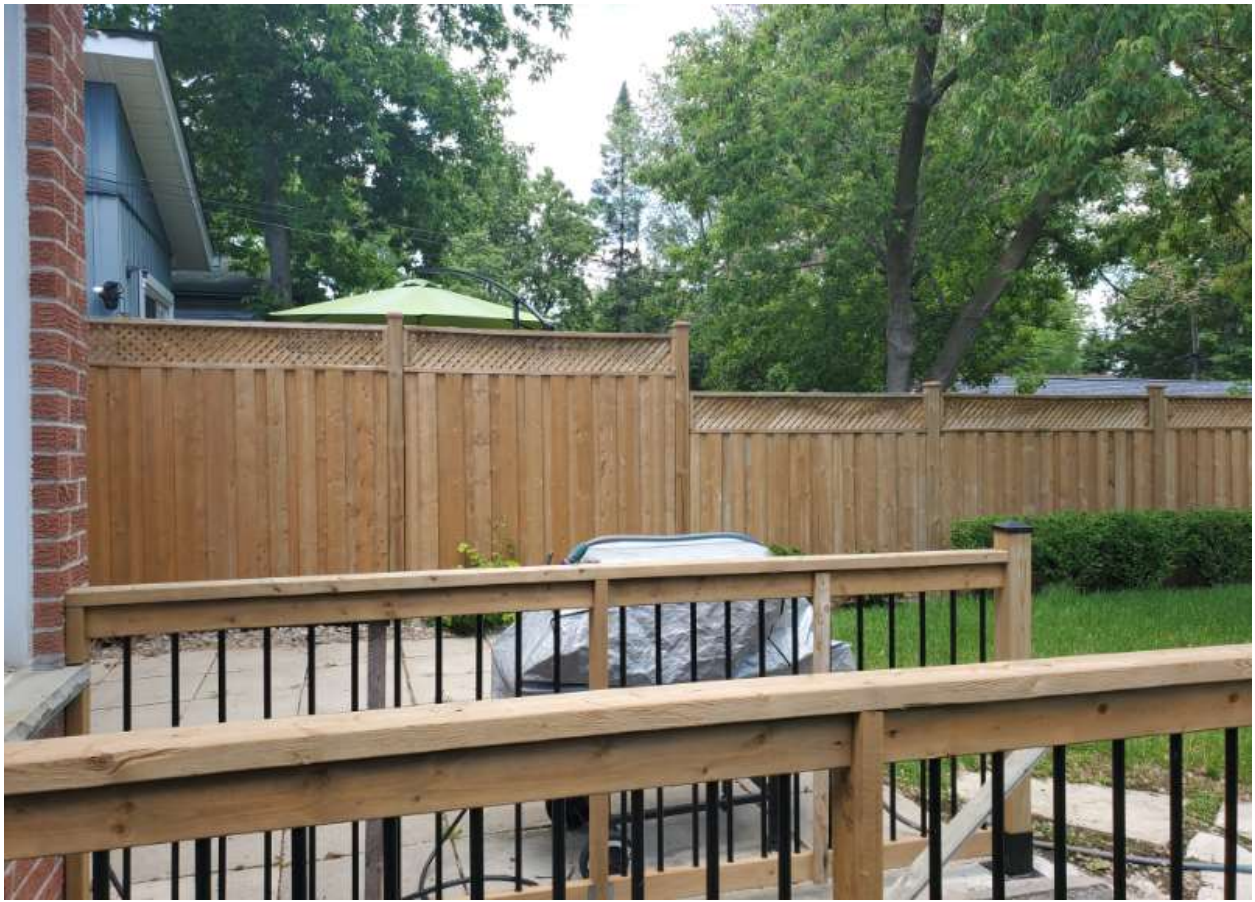
Christopher Ellis Manager
Municipal Licensing and Standards
Central District

ATTACHMENTS

Attachment 1: iView Map of Property
Attachment 2: Officer's photo of fence
Attachment 3: Applicant photo of fence



Attachment 1: iView Map of Property



Attachment 2: Officer's photo of fence



Attachment 3: Applicant photo of fence