

Application for Fence Exemption – 65 Berkshire Avenue

Date: May 30, 2022
To: Toronto & East York Community Council
From: Manager, Municipal Licensing & Standards, Central District
Wards: Ward 14

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 65 Berkshire Avenue to maintain a wooden fence with a height of 2.3 meters (7.5 feet) in the rear yard on the northeast rear of the property. The fence has a length of approximately 3 meters (9.8 feet) and is abutting 67 Berkshire Avenue. The fence consists of pressure treated vertical wood posts. The fence was built for privacy, noise reduction, and light pollution purposes. 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 February 15, 2022.

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 65 Berkshire Avenue, to allow them to maintain the wooden fence with a height of 2.3 meters (7.5 feet) in the rear yard on the northeast end 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 65 Berkshire Ave, to allow them to maintain the wooden fence with a height of 2.3 meters (7.5 feet) in the rear yard on the northeast 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 property line)	Wooden fence with a height of 2.3 meters (7.5 feet)	447-1.2B (1) Table 1 Maximum Height of Fences. 2.0 meters maximum height

CONTACT

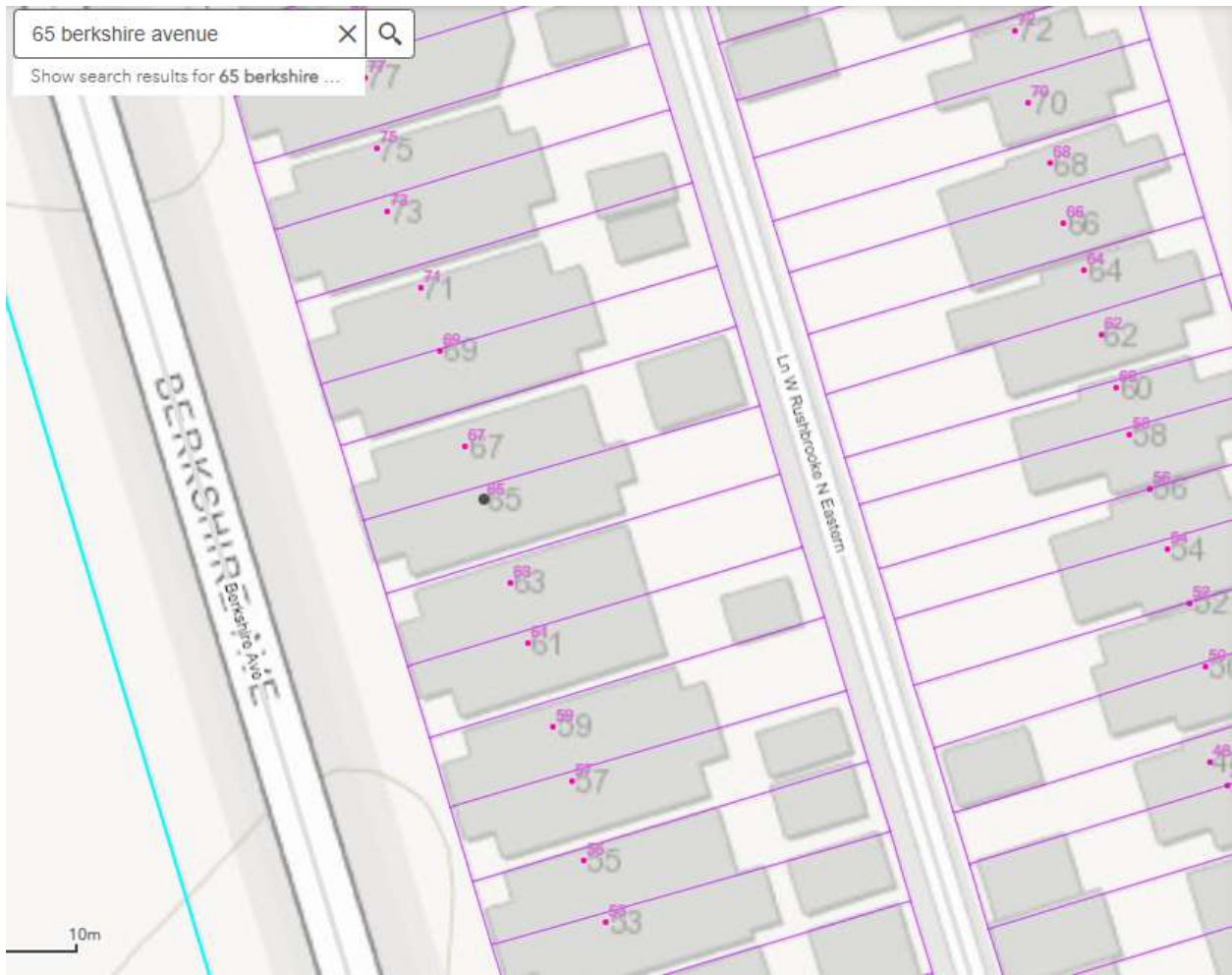
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SIGNATURE

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

ATTACHMENTS

Attachment 1: iView Map of Property
Attachment 2: Applicant photo of fence – Northeast end of property
Attachment 3: Applicant photo of fence – Northeast end of property



Attachment 1: iView Map of Property



Attachment 2: Applicant photo of fence - Northeast end of property



Attachment 3: Applicant photo of fence – Northeast end of property