

## **Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 148 The Kingsway**

**Date:** May 30 2023

**To:** Etobicoke York Community Council

**From:** District Manager, Municipal Licensing and Standards, West District

**Wards:** Ward 3 - Etobicoke Centre

### **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 44 Wilmar Rd 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 build a pool enclosure in which the wall of their house will form part of the enclosure. The wall has two juliette doors that provide access to the enclosed pool area. As a result, the fence does not comply with Toronto Municipal Code, Chapter 447-1.3(C)(3) Access Control.

### **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 148 The Kingsway, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and issue a second and final notice of violation to bring the fence into compliance.

OR

2. Grant the application for a fence exemption permit (with or without conditions) to the property owners of 148 The Kingsway, thereby allowing the enclosure to be built as specified. 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 May 11 2023 in regards to a proposed pool enclosure 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, 148 The Kingsway, is located in Ward 3. The property is a 2 storey single detached residential dwelling.

The proposed fence will be a rear yard perimeter fence consisting of the following dimensions contrary to Toronto Municipal Code Chapter 447 Fences, section 1.2 B.  
Fence Height:

West Fence: 15.2 meters in length, 2.5 meters in height.

North Fence: Western most 5.3 meters will be 2.5 meters in height.

South Fence: Western most 4.1 meters will be 2.5 meters in height.

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        | Perimeter fencing around rear yard which includes a proposed swim spa equipped with a lockable cover | Pressure treated wood fence<br><br>More than 2.0 meters in height | 447-1.2 B<br><br>(1) No fence described in the following Table 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.<br><br>Item #9: Any other fence – 2 meters. |

## COMMENTS

---

On April 14 2023, a Bylaw Enforcement Officer (BEO) attended the property for inspection. At the time of inspection, the BEO observed the fence was under construction. The BEO measured the fence and confirmed the height is 8 ft.

On April 19 2023, the same BEO issued a Notice of Violation under Toronto Municipal Code Chapter 447 Section 1.2 B (1) Fence Height.

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.

If the exemption is refused, a second and final notice of violation will be issued to the property owner.

## **CONTACT**

---

Spencer Allen, Supervisor  
Municipal Licensing & Standards  
West District  
Tel. (647) 458-1738  
E-mail: [spencer.allen@toronto.ca](mailto:spencer.allen@toronto.ca)

## **SIGNATURE**

---

Joe Magalhaes  
District Manager

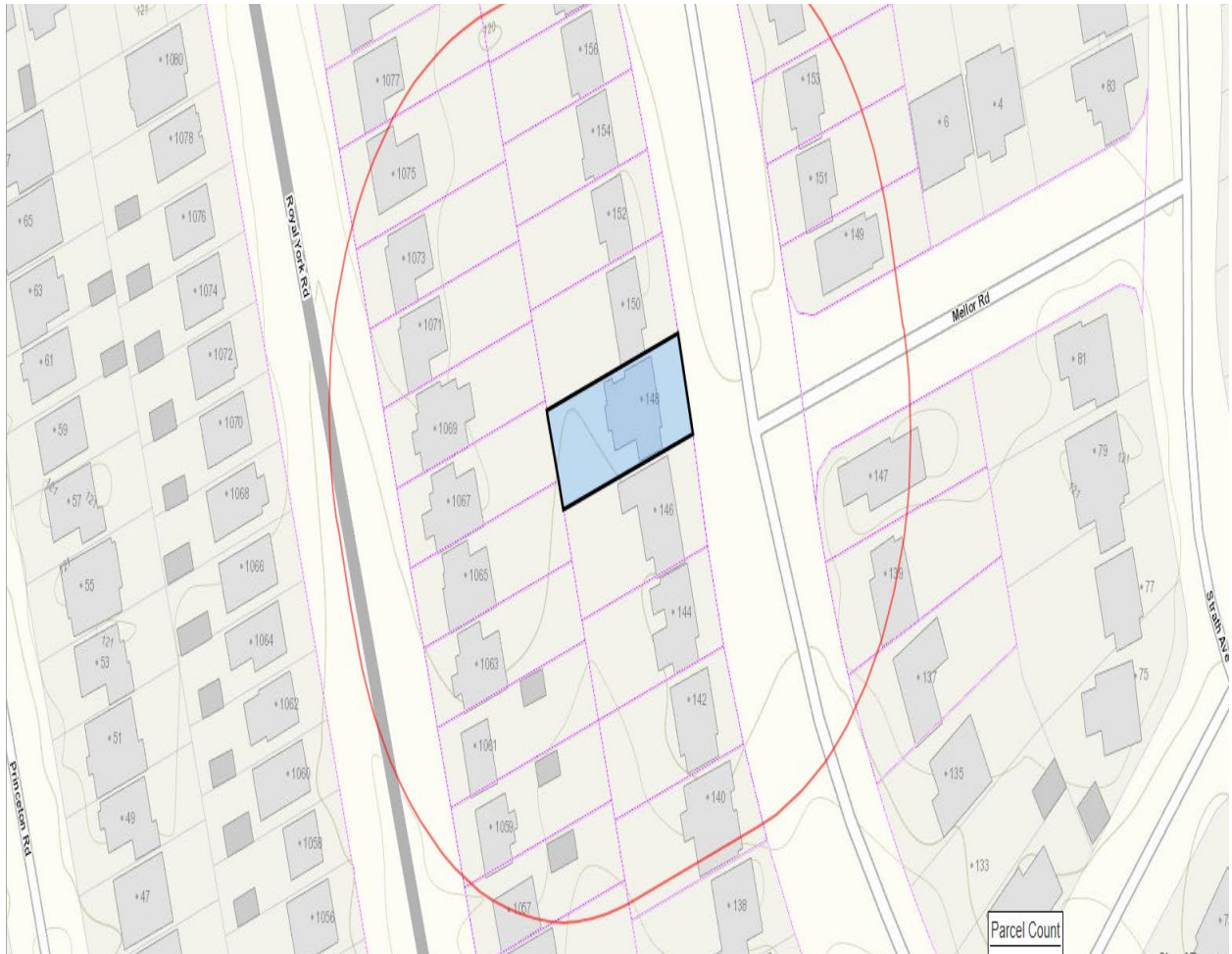
## **ATTACHMENTS**

---

Attachment A - GIS Map  
Attachment B - Photo of wood perimeter fence  
Attachment C - Photo of wood perimeter fence  
Attachment D – Photo of wood perimeter fence  
Attachment E – Applicant's photo and site plan  
Attachment F – Letter of support from 146 The Kingsway  
Attachment G – Letter of support from 150 The Kingsway  
Attachment H – Letter of support from 1065 Royal York Rd  
Attachment I – Letter of support from 1069 Royal York Rd

## Attachment A

### GIS Map



## Attachment B

Photo of wood perimeter fence



## Attachment C

Photo of wood perimeter fence



## Attachment D

Photo of wood perimeter fence



## Attachment E

Applicant's photo and site plan



## Attachment F

### Letter of support from 146 The Kingsway

Fence Exemption Request for 148 The Kingsway .

To whom it may concern,  
Municipal Licensing and Standards  
City of Toronto

I/We support a Fence Exemption Application, for the owners of 148 The Kingsway, Elaine and Jarret Wright, to allow sections of fence to be 2.5 meter in height, for the fence sections as follows:

South facing fence, western most 4.1 meters section of fence  
Faces 146 The Kingsway

West facing fence, 15.24 meter section of fence  
Faces 1065 Royal York Road,  
and  
1067 Royal York Road.

North facing fence, western most 5.3 meter section of fence  
Faces 150 The Kingsway

Sincerely,

Karina Salerno

Name

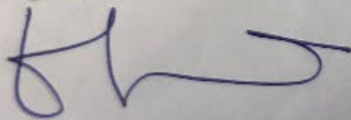
Address

146 The Kingsway

Date

May 9, 2023

Signature



## Attachment G

### Letter of support from 150 The Kingsway

Fence Exemption Request for 148 The Kingsway .

To whom it may concern,  
Municipal Licensing and Standards  
City of Toronto

I/We support a Fence Exemption Application, for the owners of 148 The Kingsway, Elaine and Jarret Wright, to allow sections of fence to be 2.5 meter in height, for the fence sections as follows:

South facing fence, western most 4.1 meters section of fence  
Faces 146 The Kingsway

West facing fence, 15.24 meter section of fence  
Faces 1065 Royal York Road,  
and  
1067 Royal York Road.

North facing fence, western most 5.3 meter section of fence  
Faces 150 The Kingsway

Sincerely,

Name David Weintraub  
Address 150 The Kingsway  
Date April 30, 2023  
Signature D Weintraub

## Attachment H

### Letter of support from 1065 Royal York Rd

Fence Exemption Request for 148 The Kingsway .

To whom it may concern,  
Municipal Licensing and Standards  
City of Toronto

I/We support a Fence Exemption Application, for the owners of 148 The Kingsway, Elaine and Jarret Wright, to allow sections of fence to be 2.5 meter in height, for the fence sections as follows:

South facing fence, western most 4.1 meters section of fence  
Faces 146 The Kingsway

West facing fence, 15.24 meter section of fence  
Faces 1065 Royal York Road,  
and  
1067 Royal York Road.

North facing fence, western most 5.3 meter section of fence  
Faces 150 The Kingsway

Sincerely,

Name

Tom Melkiewicz

Address

1065 ROYAL YORK Rd  
TORONTO ONT M8X 2G6

Date

3 MAY 2023

Signature

T Melkiewicz

## Attachment I

### Letter of support from 1069 Royal York Rd

Fence Exemption Request for 148 The Kingsway .

To whom it may concern,  
Municipal Licensing and Standards  
City of Toronto

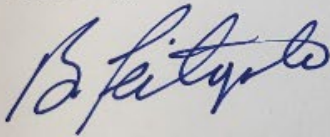
I/We support a Fence Exemption Application, for the owners of 148 The Kingsway, Elaine and Jarret Wright, to allow sections of fence to be 2.5 meter in height, for the fence sections as follows:

South facing fence, western most 4.1 meters section of fence  
Faces 146 The Kingsway

West facing fence, 15.24 meter section of fence  
Faces 1065 Royal York Road,  
and  
1067 Royal York Road.

North facing fence, western most 5.3 meter section of fence  
Faces 150 The Kingsway

Sincerely,



Name

Belinda Leitoquinbo

Address

1069 Royal York Rd.

Date

Apr. 30, 2023

Signature

