

## **Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 55 Allanhurst Dr.**

**Date:** May 18 2023

**To:** Etobicoke York Community Council

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

**Wards:** Ward 2 - Etobicoke Centre

### **SUMMARY**

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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 55 Allanhurst Dr 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 allow a fence in the front and side yard that will not comply with the standards stipulated by Section 447-1.2(B)(1). The applicant is also seeking permission to keep an existing fence that does not comply with the standards stipulated by Section 447-1.2(B)(1) regarding fence height.

### **RECOMMENDATIONS**

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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 55 Allanhurst Dr, for a proposed 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 direct the property owner 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 55 Allanhurst Dr, thereby allowing the proposed fence to be installed. 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

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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 August 31<sup>st</sup>, 2022, in regards to a new and 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 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, 55 Allanhurst Dr, is located in Ward 2. The property is a detached residential home.

See the table below for the dimensions of the fence in question.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front of Property	Front Yard	Height of the fence exceeds the height permitted by the Chapter. Namely; Front Yard fence exceeding 1.2 metres in height.	Chapter 447-1.2B(1) Fence maximum height in a front yard and within 2.4 meters of a lot line abutting a public highway must be 1.2 metres in height.

## COMMENTS

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On August 8, 2022, a Bylaw Enforcement Officer (BEO) attended the property. BEO observed fence was under construction. BEO observed fence was past front wall of the home and abutting multiple driveways. BEO measured the fence height and found the height to be 2.095 meters.

On August 17, 2022 the same BEO issued a notice of violation under s. 447-1.2B(1) Fences. Notice of violation sent via registered mail with RN#582 302 998 CA.

## CONTACT

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Spencer Allen, Acting Supervisor  
Municipal Licensing & Standards  
Investigation Services - West District  
Tel. 647-458-1738  
E-mail: spencer.allen@toronto.ca

## SIGNATURE

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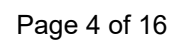
Joe Magalhaes  
District Manager

## ATTACHMENTS

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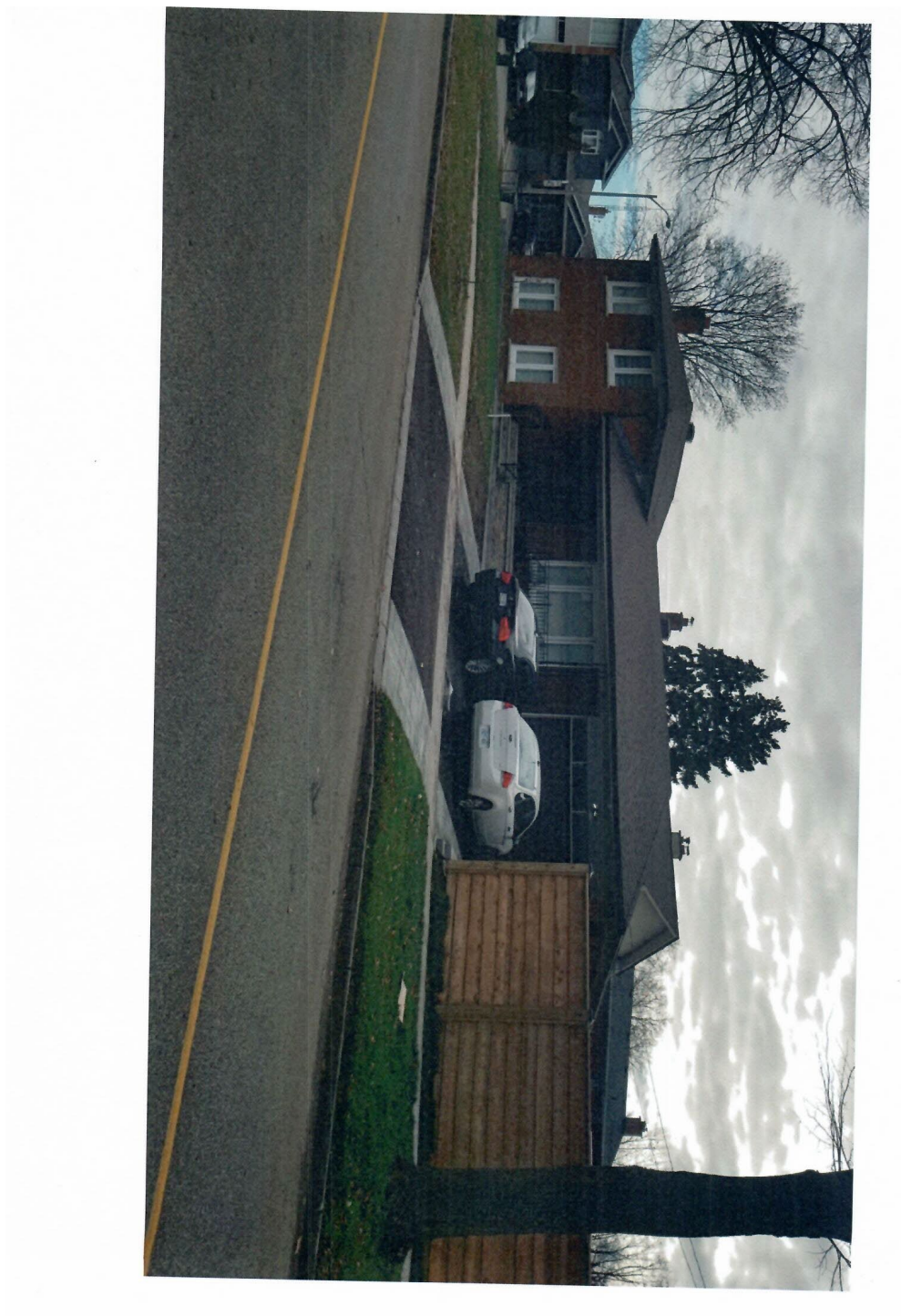
**Attachment A** – Updated lot lines of 55 Allanhurst Dr  
**Attachment B-D** – Photographs of fence at 55 Allanhurst Dr  
**Attachment E** – Photographs taken of the height of the fences in neighbourhood  
**Attachment F** – Letter of support from religious association  
**Attachment G-K** – Signed letters of support from neighbours  
**Attachment L** – GIS Map

Updated lot lines of 55 Allanhurst Dr



## Attachment B

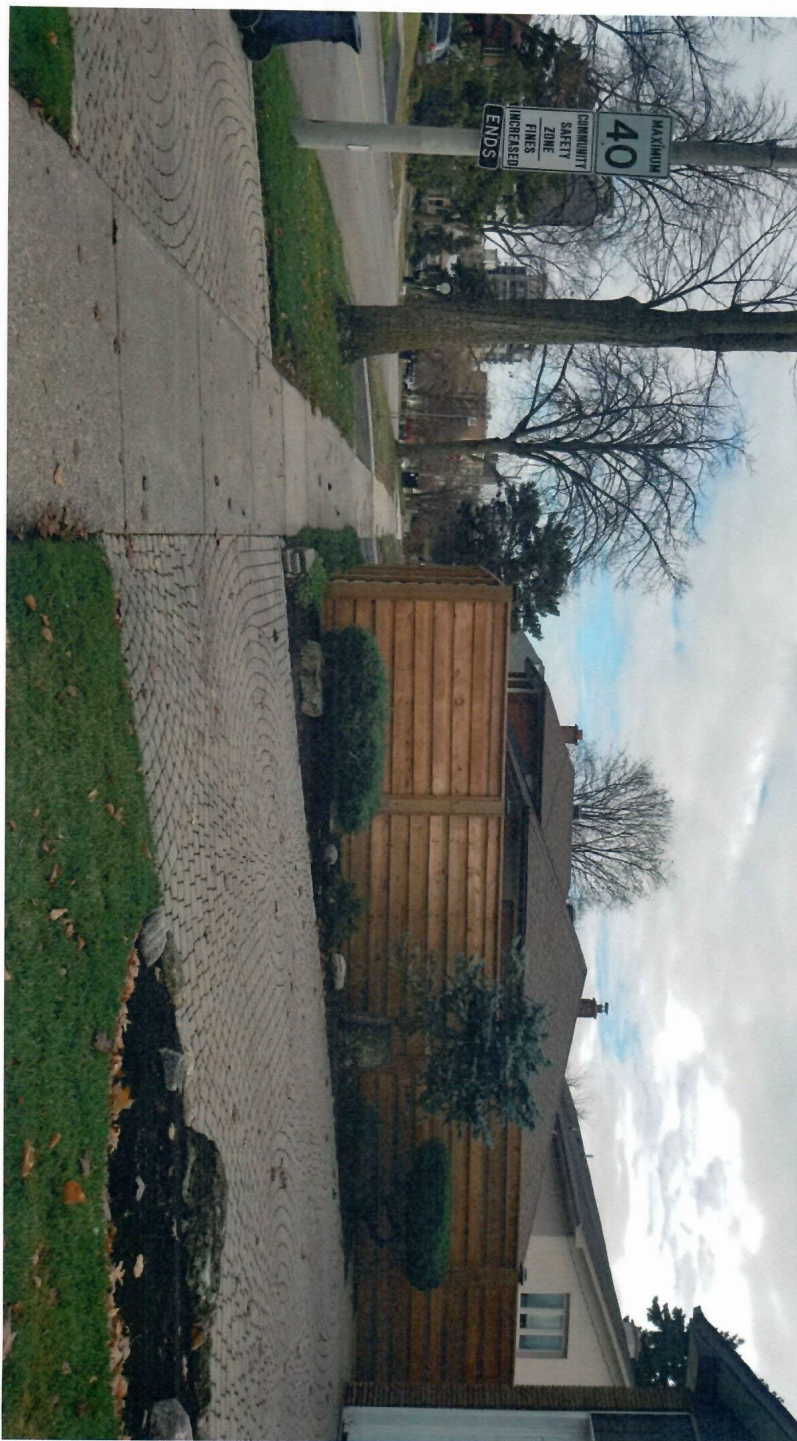
Photograph of fence at 55 Allanhurst Dr





## Attachment C

Photograph of fence at 55 Allanhurst Dr



## **Attachment D**

Photograph of fence at 55 Allanhurst Dr





## Attachment E

Photographs taken of the height of the fences in neighbourhood

Example Fences in neighbourhood





**Example Fences in neighbourhood**



## Attachment F

### Letter of support from religious association



ISLAMSKA ZAJEDNICA U BOSNI I HERCEGOVINI  
ISLAMSKA ZAJEDNICA BOŠNJAKA SJEVERNE AMERIKE  
*Bosnian Islamic Association "Gazi Husrev-Beg"*

**August 25, 2022**

As the Imam (Minister of Religion) of the Bosnian Islamic association Gazi Husrev-beg, I am writing to affirm the religious obligations of Marium Ibrahim and Jakub Husika, and in support of their Canadian Charter Rights of freedom of conscience and religion.

For practicing Muslim men and women it is an obligation to dress modestly, and for women this is commonly practiced by observing 'hijab' or wearing the headscarf. This is an act of worship to cover oneself when in the presence of men who are not immediate family.

It has come to my attention that Marium and Jakub have built a backyard fence of two meters in height to afford them privacy and Marium the ease of not having to wear 'hijab' in her own backyard. This fence and the privacy it provides her and their family is allowing them to practice their faith freely and easily. Removing it or reducing its height would infringe on their Charter Rights.

As a fellow Canadian and Torontonion first and religious minister in the local community, it is my firm belief that an exception to community bylaws should be afforded to them so that they may practice their faith freely in the comfort of their home.

Thank you

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Hairs Ef. Zulovic

Imam (Minister of Religion)

Bosnian Islamic association Gazi Husrev-beg

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Bosnian Islamic Association "Gazi Husrev-Beg" 122 N Queen St, Etobicoke, ON M8Z 2E4  
phone 416-233-5967

## Attachment G

### Signed letter of support from neighbours

August 27, 2022

Violet and George Jugloff  
57 Allanhurst Dr  
Etobicoke, ON  
M9A 4K2

To Whom It May Concern,

We are writing this letter in support of our next door neighbours, Marium and Jakub and their request for a fence exemption at 55 Allanhurst Dr.

We have lived in this community since it was initially developed and have shared a fence line with 55 Allanhurst Dr from the beginning. Their home is located on the corner and is on a lower level of ground from us and some of the neighbouring houses. This fence gives them a proper backyard with the necessary privacy to enjoy their space. More recently, Allanhurst Dr has become a busier street with passing through traffic, and this height of fence is absolutely needed for proper security and safety.

Marium and Jakub were very thoughtful in consulting with us before building their fence, and built it to proper backyard height.

Please approve their request for exemption.



Violet and George Jugloff



## Attachment H

### Signed letter of support from neighbours

August 30, 2022

Dr Mark Iwanochko  
30 Woodcrest Dr  
Etobicoke, ON  
M9A 4J2

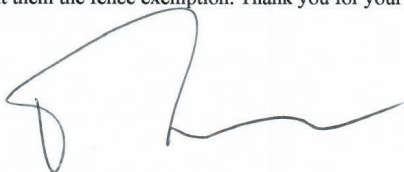
Dear Community Council,

This is a letter in support of my neighbour's request for a Fence Exemption at 55 Allanhurst Dr. I live adjacent to Marium and Jakub and am supportive of their need for this new fence.

Living on a corner lot limits the amount of enjoyable private backyard space Marium and Jakub have available to them. This new fence is following the standard practice in our neighbourhood and is at regular backyard bylaw heights. They consulted with me and all the adjacent neighbours before beginning the project and ensured it was professionally built to provide them needed privacy and safety from the busy street.

As a regular driver in this neighbourhood I can assure you this fence is set back from the sidewalk to avoid encroaching on any public space or obstructing any visibility for passersby.

Please grant them the fence exemption. Thank you for your time.

A handwritten signature in black ink, appearing to read 'Mark Iwanochko', with a stylized, flowing script.

Dr Mark Iwanochko

## Attachment I

### Signed letter of support from neighbours

August 30, 2022

Dora and Dominic Pomante  
68 Allanhurst Dr  
Etobicoke, ON  
M9A 4K1

Dear Community Council,

We are writing this letter in support of keeping the new backyard fence at Jakub and Marium's home at 55 Allanhurst Dr, which is directly across the street from us.

Since moving into our neighbourhood they have only made positive changes to their home and our community.

Allanhurst Dr can be a very busy street at times and having a proper 2 meter fence is necessary for privacy, safety and security. Additionally, they took the time to build something that is aesthetically pleasing and adds to the value of our neighbourhood.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to be 'Dora and Dominic Pomante', written in a cursive style.

Dora and Dominic Pomante

## Attachment J

### Signed letter of support from neighbours

August 30, 2022

Mary and Nick Parzei  
64 Allanhurst Dr  
Etobicoke, ON  
M9A 4K1

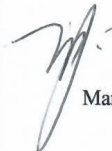
Dear Community Council,

This is a letter in support of preserving the new fence recently built at Marium and Jakub's home at 55 Allanhurst Dr across the street from us.

Marium and Jakub have been positive additions to our neighbourhood since moving in, they have done their best as new homeowners to make tasteful changes to their home which has been welcomed in our community.

We go on many walks in the neighbourhood as we have lived here for several years, and it is common for all the corner lots in this area to have 2 metre fences like theirs that extend the backyard area. This is necessary on Allanhurst Dr in particular for security and safety of any young family, and to have a private space to enjoy your yard.

Please grant them the necessary fence exemption. Thank you for your time and consideration.



Mary and Nick Parzei



## Attachment K

### Signed letter of support from neighbours

August 29, 2022

Gil Chang  
62 Allanhurst Dr  
Etobicoke, ON  
M9A 4K1

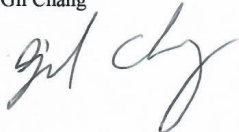
Dear Committee,

I write this letter in support of my neighbour's new fence and their request for exemption. Marium and Jakub live diagonally across from me at 55 Allanhurst Dr.

I have lived in this neighbourhood for several years and am supportive of the fence they have built to properly give their backyard privacy and security from the busy street. Many of the corner houses in our neighbourhood have the same fence height and location. This is common in our neighbourhood to give corner homes a proper amount of backyard space.

Please approve their request for fence exemption. I am supportive. Thank you.

Gil Chang

A handwritten signature in black ink, appearing to read 'gil chg', written in a cursive style.

## Attachment L

### GIS Map

