

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 272 Gary Drive

Date: September 23, 2023

To: Etobicoke York Community Council

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

Wards: Ward 5 – York South Weston

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 272 Gary Drive 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 erect a fence on the east side of the property that will not comply with the standards stipulated by Section 447-1.2(B)(1). The applicant is seeking permission to erect a fence constructed of pressure treated wood 8 feet in height, spanning 48 feet in length. The fence will be erected not less than 2.4m from the front lot line.

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, West District recommends that Etobicoke York Community Council:

Refuse the application for property owner of 272 Gary Drive. The proposed fence would fail to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences. A notice of violation to direct the property owner to bring the fence into compliance will be issued.

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 17th, 2023, in regards to a fence exemption application for a new fence, 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, 272 Gary Dr, and is located in Ward 5. The property is a detached residential home.

See the table below for the dimensions of the fence to be erected.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
East side of property	Side and front of the property	Height of the fence to exceed the height permitted by the Chapter. Namely; The proposed fence will be 8 feet in height.	Chapter 447-1.2B(1) Fence in a front yard and side yard; and not within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane); shall not exceed a height of 2 metres.

COMMENTS

On May 17 2023, homeowner at 272 Gary Drive submitted an application for a fence exemption.

The applicant is seeking permission to erect a fence on the east side of the property. The fence will be constructed of pressure treated wood 8 feet in height, spanning 48 feet in length. The fence will be erected not less than 2.4m from the front lot line.

The applicant is requesting the exemption for their safety, security, privacy and to stop vandalism.

Alternatively, grant the application for a fence exemption permit (with or without conditions) to the property owners of 272 Gary Drive, 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.

CONTACT

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Municipal Licensing & Standards
Investigation Services - West District
Tel. 647-463-2073
E-mail: Michael.Mabatid@Toronto.ca

SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment A – Submitted letter from homeowner
Attachment B – Property survey
Attachment C – Property survey with proposed location of fence
Attachment D – Current view of location and simulated view with erected fence
Attachment E – Southeast view of existing fence and simulated view with erected fence
Attachment F – East view from kitchen at 272 Gary Dr.
Attachment G – Contractor's example of fence to be constructed
Attachment H – GIS Map
Attachment I – Photo taken from street view on 05-25-2023

Attachment A

Submitted Letter from Homeowner

May 16, 2023.

To Whom it May Concern

RE: Request For Exemption Permit For 8ft Fence.

My name is Rita Fresu- Mousseau, and together with my husband Scott Mousseau, we live at 272 Gary Dr. We are next door, to a problematic neighbour with an on going renovation over the past 8 Years He lives in the house to the east of us at 270 Gary Dr. This is a request out of desperation for an exemption for a permit, to have an 8ft fence put up on the east end of our house, the fence will be on our side of the property line. The fence is for safety, security, and privacy reasons. It is not for cosmetic purposes. It will help reduce the many acts of vandalism that have occurred because of the neighbor.

He is aggressive, violent, verbally abusive to anyone that crosses his path, including bi-law officers that have come to his house for one reason or another. We just want him to leave us alone.

We would like to put in a request for an exemption permit, to put up an 8ft fence, that runs on the east side of our property, in front of the property line. The fence is to be 8ft high and 65 ft long, and will completely block anything from his property. There is an existing chain link fence, that has been recently replaced, and is on the property line. The existing fence will not be disturbed, in any way.

The new fence will be solid pressure treated wood, and will be completely private. There is no lattice, and also no gate. There will be no light coming through, and no opportunity to look onto the other side. It will also have 6x6 posts to give it more stability.

Councillor Frances Nunziata knows what he is like, and she has had her dealings with him as well. She also mentioned, once everything was submitted, she will approve the request, and issues the permit. However, we have to go through the application process first. We don't want to do anything to jeopardize our chances. On the advice from Councillor Frances Nunziata, she recommended a referral letter from the neighbor on the other side, at 268 Gary Dr. This was to make our case stronger, however the owner at 268 Gary Dr, was not willing to provide the letter, and did not want to get involved.

Having an 8ft fence will block us from seeing anything and will also block their view of our side. It also will not hinder their view when entering or exiting their driveway. Their view will be clear. The fence will run for 65 ft, and will end midway down our property. It will not go to the sidewalk.

All of the requested documents are included with this letter, along with the application and the fee. There are also images with views from our property, and simulated views, of what it will look like with the fence.

We feel we are justified in requesting the exemption, and hopefully I have provided enough information for you to make the consideration, for the permit. I Understand that permits can take awhile, however if there is any way, we could expedite the process, it would be greatly appreciated.

I have left all of our contact information, below, and if you need any more information, or have questions, please contact either one of us.

Thank you for your time, and consideration.
Sincerely,

Rita Fresu Mousseau



416-997-8692

Ritarita@simpatico.ca

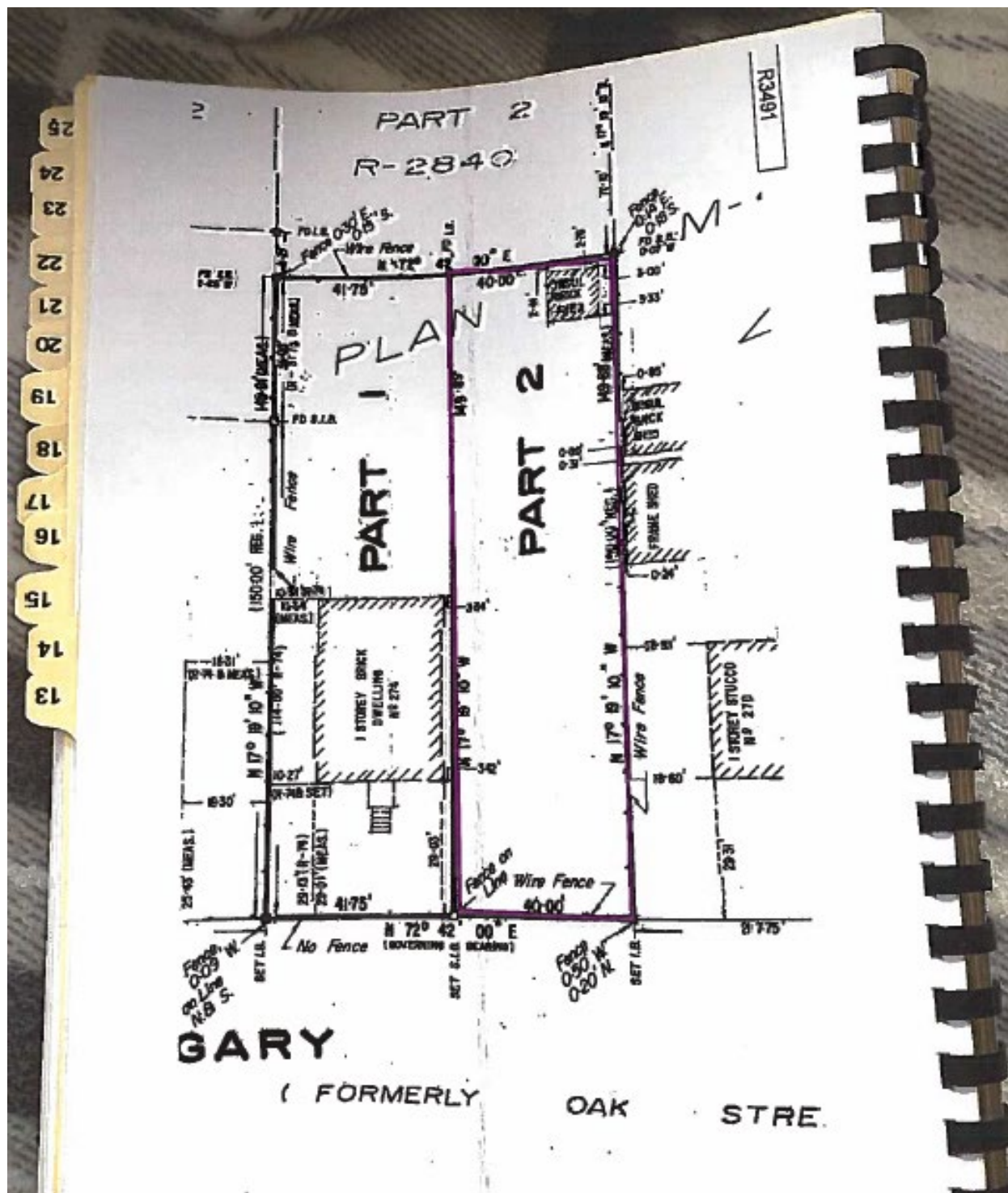

Scott Mousseau

416-996-0288

Residents of 272 Gary rd.
North York, ON
M9N 2N3

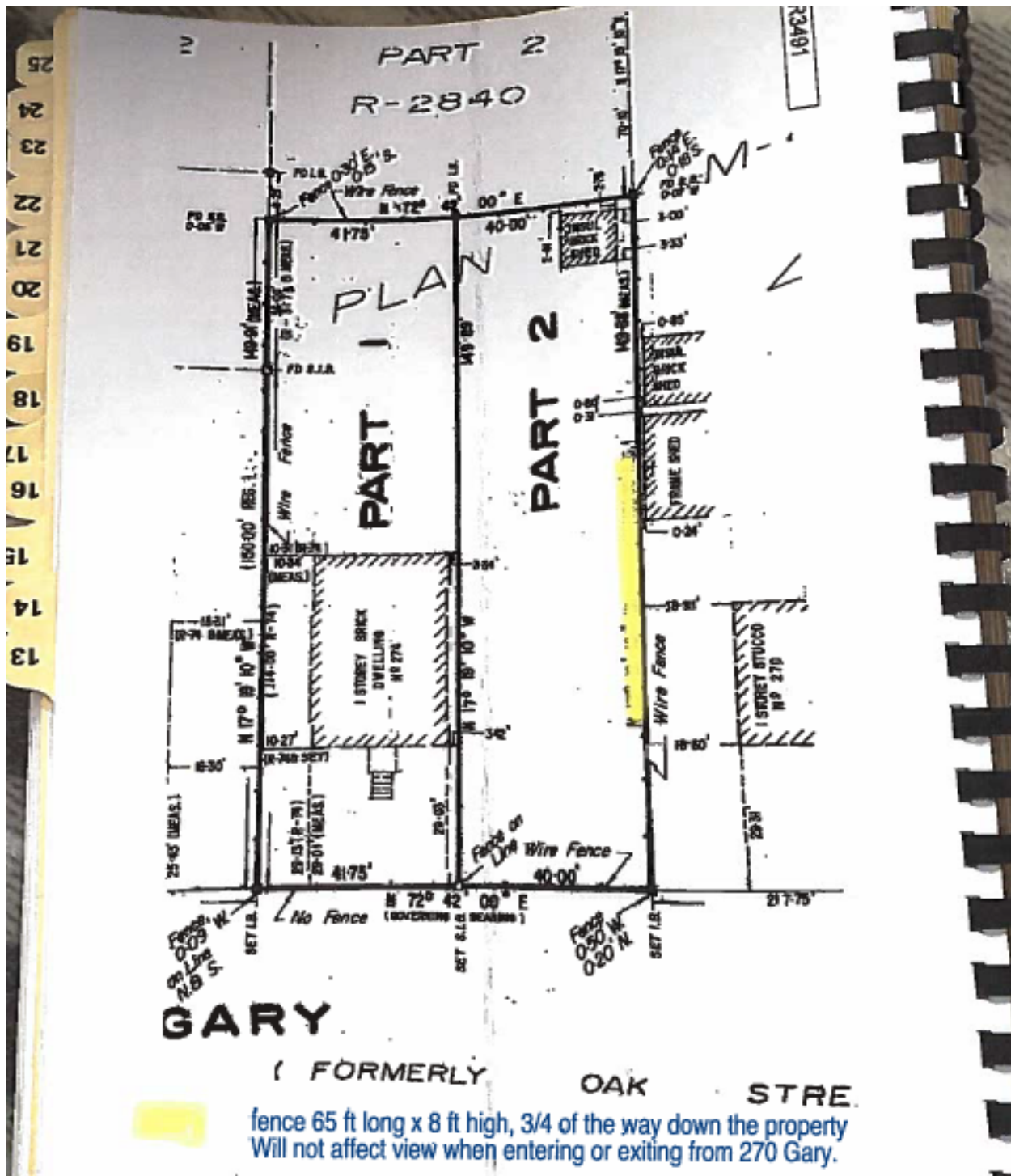
Attachment B

Property survey



Attachment C

Property Survey with Proposed Location of Fence



Attachment D

Current view of location and simulated view with erected fence





Simulated view of 8ft fence
taken from north end of house, 272 Gary Dr. facing south
Fence to keep property private, secure, and quiet.
Fence will be in front of existing fence, on our side of the property line
will be even with wall away.

Attachment E

Southeast view of existing fence and simulated view with erected fence





Attachment F

East view from kitchen at 272 Gary Dr.



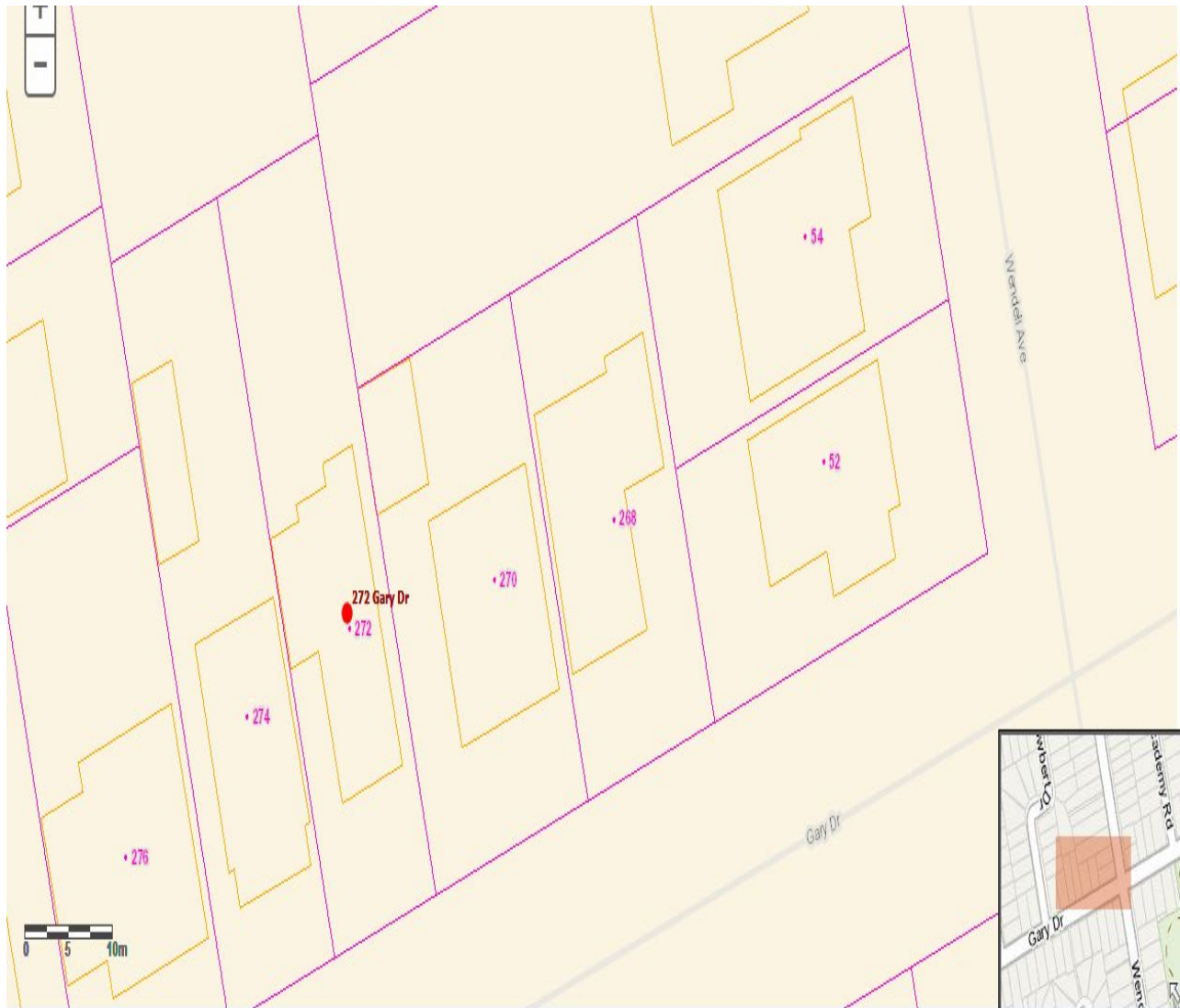
Attachment G

Contractor's example of fence to be constructed



Attachment H

GIS MAP



Attachment I
Photo taken from street view on 05-25-2023

