

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 96 Cowley Ave

Date: October 17, 2023

To: Etobicoke York Community Council

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

Wards: Ward 02 – 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 96 Cowley Ave 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 maintain a fence in the rear yard on the north, west and south side of the property that will not comply with the standards stipulated by Section 447-1.3(E). The applicant is seeking permission to maintain a fence constructed of vinyl.

RECOMMENDATIONS

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

1. Refuse the application for property owner of 96 Cowley Ave. 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 July 06, 2023, in regard to a fence exemption application for an existing 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, 96 Cowley Ave, and is located in Ward 3. The property is a detached residential home.

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

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
North and East side of property.	Rear yard of property.	Materials used are non-permitted materials as per Chapter 447. Namely; Vinyl fence material.	Chapter 447-1.3(E) Non-permitted material. Chapter does not list vinyl as a permitted material.

COMMENTS

On July 06, 2023, property owner at 96 Cowley Ave submitted an application for a fence exemption.

The applicant is seeking permission to maintain a fence on the North and East side of the property. The fence is constructed of vinyl with vertical board on boards and horizontal boards on top. The applicant is requesting the exemption for their privacy.

*Alternate recommendation is to grant the application for a fence exemption permit (with or without conditions) to the property owners of 96 Cowley Ave, thereby allowing the current fence to be maintained. Direct and require that the existing fence 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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SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment A – GIS MAP
Attachment B – Photos submitted by applicant
Attachment C – Site Plan

Attachment A

GIS MAP



Attachment B

Photo submitted by applicant



Photo submitted by applicant



Site Plans – Submitted by applicant

PROPOSED POOL PERMIT
96 COWLEY AVENUE, ETOBICOKE
PLAN 37M57, LOT 54

MINIMUM POOL ENCLOSURE HEIGHT - 1.2M

NO ENCROACHMENTS ONTO ADJACENT PROPERTIES ABOVE OR BELOW GRADE, INCLUDING EAVES, OVERHANGS, AND FOOTINGS.

NO DRAINAGE ONTO ADJACENT PROPERTIES

METAL PICKET - VERTICAL PICKETS SHALL BE SPACED NOT MORE THAN 38 MILLIMETRES APART WHERE HORIZONTAL RAILS ARE SPACED LESS THAN 1.2 METRES APART AND NOT MORE THAN 100 MILLIMETRES APART WHERE HORIZONTAL RAILS ARE SPACED AT LEAST 1.2 METRES APART; HORIZONTAL RAILS SHALL BE SUPPORTED ON SUBSTANTIAL POSTS THAT ARE NOT MORE THAN 2.4 METRES APART, SECURELY FASTENED TO THE GROUND AND STRUCTURALLY SOUND

VERTICAL BOARDS SHALL BE AT LEAST 38 MILLIMETRES BY 89 MILLIMETRES LUMBER, SPACED NOT MORE THAN 38 MILLIMETRES APART WHERE HORIZONTAL RAILS ARE SPACED LESS THAN 1.2 METRES APART. SPACED NOT MORE THAN 100 MILLIMETRES APART WHERE HORIZONTAL RAILS ARE SPACED 1.2 METRES APART OR MORE. ATTACHED TO HORIZONTAL RAILS THAT ARE AT LEAST 38 MILLIMETRES BY 89 MILLIMETRES LUMBER, AND SUPPORTED ON SUBSTANTIAL POSTS THE ARE AT LEAST 89 MILLIMETRES BY 89 MILLIMETRES, SPACED NOT MORE THAN 2.4 METRES APART, SECURELY FASTENED TO THE GROUND AND STRUCTURALLY SOUND.

HORIZONTAL BOARDS SHALL BE AT LEAST 38 MILLIMETRE BY 89 MILLIMETRE LUMBER. SPACED NOT MORE THAN 20 MILLIMETRES APART, FASTENED OR PROTECTED NOT MORE THAN 25 MILLIMETRES FROM THE BOARD IMMEDIATELY ABOVE OR BELOW, AND NOT MORE THAN 2.4 METRES IN LENGTH.