

Request for a Fence Exemption - 631 Glengrove Ave

Date: May 10, 2023

To: North York, Community Council

From: District Manager, Municipal Licensing and Standards

Wards: Ward 08 – North York

SUMMARY

This staff report is in regards to a matter for which the North York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to advise Council concerning an application by the property owner of 631 Glengrove Ave for a site-specific Fence Exemption, pursuant to Section 447-1.2. B(1) of Toronto Municipal Code, Chapter 447, Fences. The property owner is seeking Council's permission to allow for a 2.4 meter (8 ft), which does not comply with the standards stipulated by Section 447-1.2.B(1) of the bylaw.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the North York Community Council give consideration to the exemption application and decide to:

1. Refuse to grant the application for an exemption, by the property owner of 631 Glengrove Ave, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a second notice to the property owner to bring the fence into compliance.

or

2. Grant the application for a fence exemption by the property owner of 631 Glengrove Ave, thereby allowing the erected fence to be maintained as constructed. At such time as replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

No previous decision history.

COMMENTS

The subject property, 631 Glengrove Ave, is a single family detached residential home situated in Ward 8.

The fence is located in the flankage yard. The fence material is made of wood and is 2.4 meters (8ft) in height for approx. 12.1 meters (40ft) in length.

The application was based on a complaint from the public and subsequently a Notice of violation was issued.

The property owner is seeking relief from the by-law height regulation to be able to keep the 2.4-meter (8ft) fence in the side yard. The owner indicates the reason for the heightened fence is to protect their privacy. They indicate there is a long-standing issue with the adjacent neighbour.

As required by Section 447-1.2.B(1) ; Municipal Licensing & Standards has responded to the fence exemption application Toronto Municipal Code on by preparing this report for North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that the North York Community Council will consider the application.

Municipal Licensing Standards' reviewed the proposed application and determined that it does not comply with the Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

General Location	Specific Location	Deficiency	By-Law Section
Flankage Yard	Flankage Yard	Exterior Of Building - Side Of Building: Fence (single or multiple residential) not in front yard and within 2.4 m of public highway exceeds 2.0 metres.	447 - 1.2B(1)

The property owner(s) seek this exemption for safety purposes.

CONTACT

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SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

- Attachment 1 - Flankage Yard - 631 Glengrove ave- subject fence
- Attachment 2 - Flankage Yard - 631 Glengrove ave- closer view of subject fence
- Attachment 3 - Flankage Yard - 631 Glengrove ave- GIS map view
- Attachment 4 - Flankage Yard - 631 Glengrove ave- letter from owner

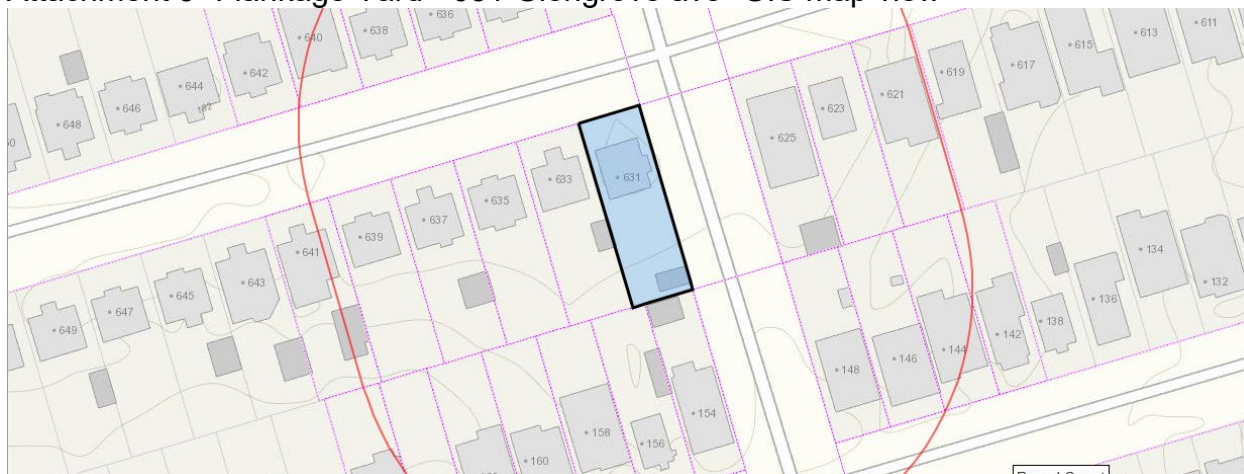
Attachment 1 - Flankage Yard - 631 Glengrove ave- subject fence



Attachment 2- Flankage Yard - 631 Glengrove ave- closer view of subject fence



Attachment 3- Flankage Yard - 631 Glengrove ave- GIS map view



Attachment 4- Flankage Yard - 631 Glengrove ave- letter from owner

As one of the property owners of 631 Glengrove Avenue W., I am writing to represent myself, Nella Bastone, Domenica Bastone and Sandra Bastone, as it relates to a Notice of Violation that was issued by a Bylaw Enforcement Officer on July 4, 2022. The property the Notice of Violation was levied against is a rental, occupied by Nicole Diamond and her dog Marley - since 2016. Upon receiving the Notice, discussions followed with my tenant to re-enforce that the additional fence height should have only been installed after a fence exemption application was submitted and approval granted by the City. Nicole understands and has been fully co-operative. As the property owner, arrangements will be made to correct the issue, if required.

That said, at this point as the property owner(s), I/we have granted Nicole Diamond the option and permission to apply for a fence exemption. Permission is being granted to assist in helping to preserve her tenancy and overall mental wellbeing and privacy while occupying the home. Nicole has expressed that the fence height was raised, to help increase the visual barrier from the adjacent neighbor. My tenant has expressed over the years that she has been stalked, harassed, and has ongoing fear for her safety and that of her dog. Nicole is fully prepared to provide video evidence and/or other relevant information such as police reports (at the Community Council meeting and/or beforehand) of the neighbor violating her right to privacy. Evidence she hopes City Council will look at when considering granting an exemption.

Additionally, Nicole is aware that all correspondence issued to the City as it relates to the property at 631 Glengrove Ave W., as it relates to this Notice, include full transparency by way of carbon copy to me. This will allow me, as the property owner, to have full oversight in ensuring this matter is handled in accordance with City by-laws and applicable rules and in the best interest and safety of all parties involved.

Thank you in advance for your consideration,

Nella Bastone