

Application for Fence Exemption – 20 Trelevan Place

Date: April 24, 2023

To: Scarborough Community Council

From: Manager Municipal Licensing & Standards, East District

Wards: Ward 21 – Scarborough Centre

SUMMARY

This staff report concerns a matter for which the Scarborough Community Council has delegated authority from City Council to make a final decision.

- 1 (a) The purpose of this report is to consider an application by the owner(s) of 20 Trelevan Place to construct a wood fence with horizontal wood boards in the side yard on the North side of the property. The fence will be constructed next to a Driveway on a corner lot and as specified in the Toronto Municipal Code, Chapter 447-1.2 C (1) Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway.
- 1 (b) This report is to consider an application by the owner(s) of 20 Trelevan Place to construct a wood fence with horizontal wood boards in the front yard on the West side of the property. The fence will be constructed at a height greater than the allowed 1.2 Metres. This would be in violation of the Toronto Municipal Code, Chapter Section 447-2 (B)(1) Maximum height of 1.2 metres, measured at any point along its length.

This exemption is for a proposed fence between 20 Trelevan and 56 Frey Crescent. The fence will be constructed of horizontal wood boards. Also, the fence is to continue around the front west side of the property. (Attachment #3)

The property is a corner lot with side and flankage yards.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Scarborough Community Council:

1 a) Refuse to grant the application for an exemption permit, by the owner(s) of 20 Trelevan Place, to allow them to construct a horizontal wood fence closer than 2.4 metres of any driveway, which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section 447-1.2 C (1) - Open-fence construction required.

1 b) Refuse to grant the application for an exemption permit, by the owner(s) of 20 Trelevan Place, to allow them to construct a horizontal wood fence higher than 1.2 metres in height beyond the front wall of the house, which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically Section 447-2 (B)(1) Maximum height of 1.2 metres, measured at any point along its length.

OR

2 a) Grant the application for an exemption permit, by the owner(s) of 20 Trelevan Place, to allow them to construct a wood link fence closer than 2.4 metres of any driveway. Direct and require that the existing fence be maintained in good repair without alteration. Direct and require that at such time as a replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, Fences or its successor by-law.

2 b) Grant the application for an exemption permit, by the owner(s) of 20 Trelevan Place, to allow them to construct a wood fence higher than 1.2 metres in height beyond the front wall. Direct and require that the existing fence be maintained in good repair without alteration. Direct and require that at such time as a 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 financial impact anticipated in this report.

DECISION HISTORY

Proposed fence layout is identical to previously approved fence exemption application for a neighbouring property - 80 Frey Crescent. The application was granted on July 4, 2018.

As required by Section 447-1.5(B)(1), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Scarborough Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Scarborough Community Council will consider the application.

COMMENTS

The proposed fence violates Toronto Municipal Code, Chapter 447 – Fences requirements with respect to Open-fence construction required.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Side Yard	Side Yard (East and South Lot Lines) Next to the Driveway at 56 Frey Crescent.	Proposed fence to be constructed of horizontal wood boards that will be 2 Metres in height	447-1.2 C (1) Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway.
Front Yard	Beyond the front wall of the house on the Trelevan Place frontage.	Exceeds Permitted Height- of 1.2m	Section 447-2 (B)(1) Maximum height of 1.2 metres, measured at any point along its length.

CONTACT

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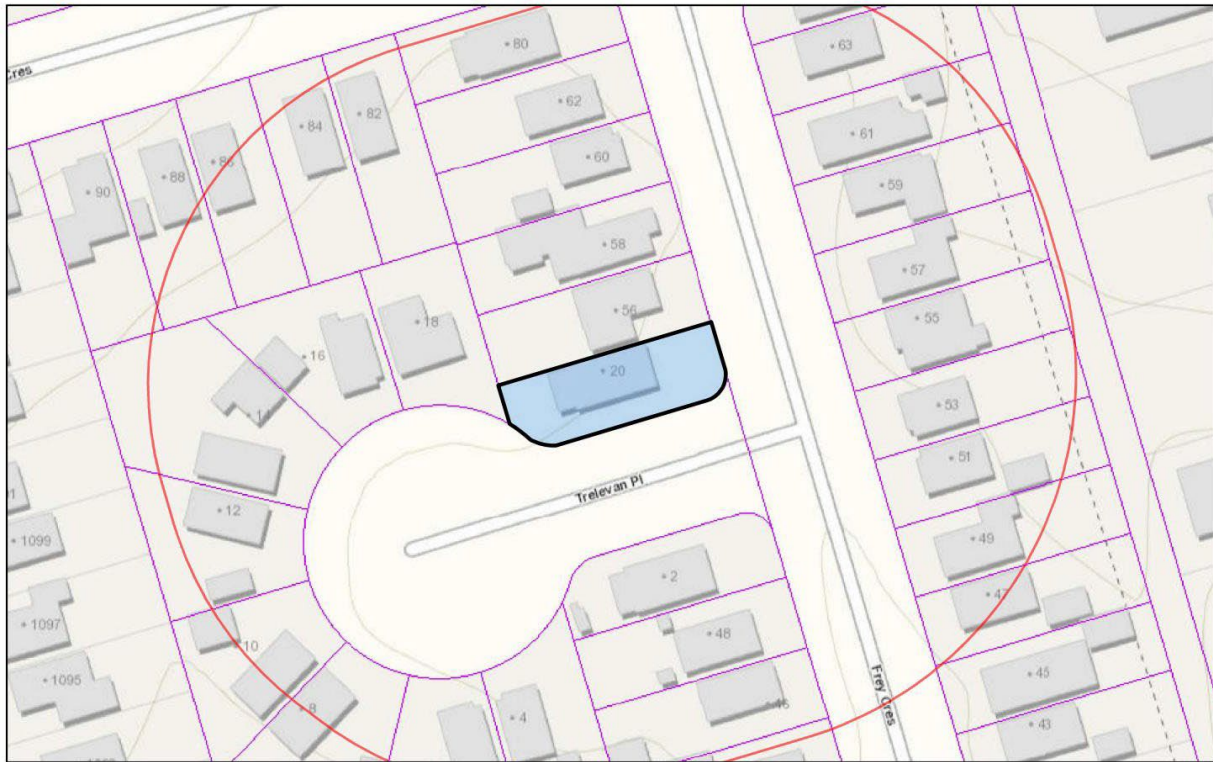
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ATTACHMENTS

Attachment 1: iView Map of Property – 20 Trelevan Place
Attachment 2: 4 Photos of fence location (provided by Applicant) – 20 Trelevan Place
Attachment 3: Photo of Proposed Fence (Aerial View) – 20 Trelevan Place
Attachment 4: Photo of Proposed Fence Construction
Attachment 5: Scarborough Community Council Decision for similar fence at 80 Frey Crescent

Attachment 1: iView Map of Property – 20 Trelevan Place



Attachment 2: 4 Photos of fence location (provided by Applicant) – 20 Trelevan Place



North View



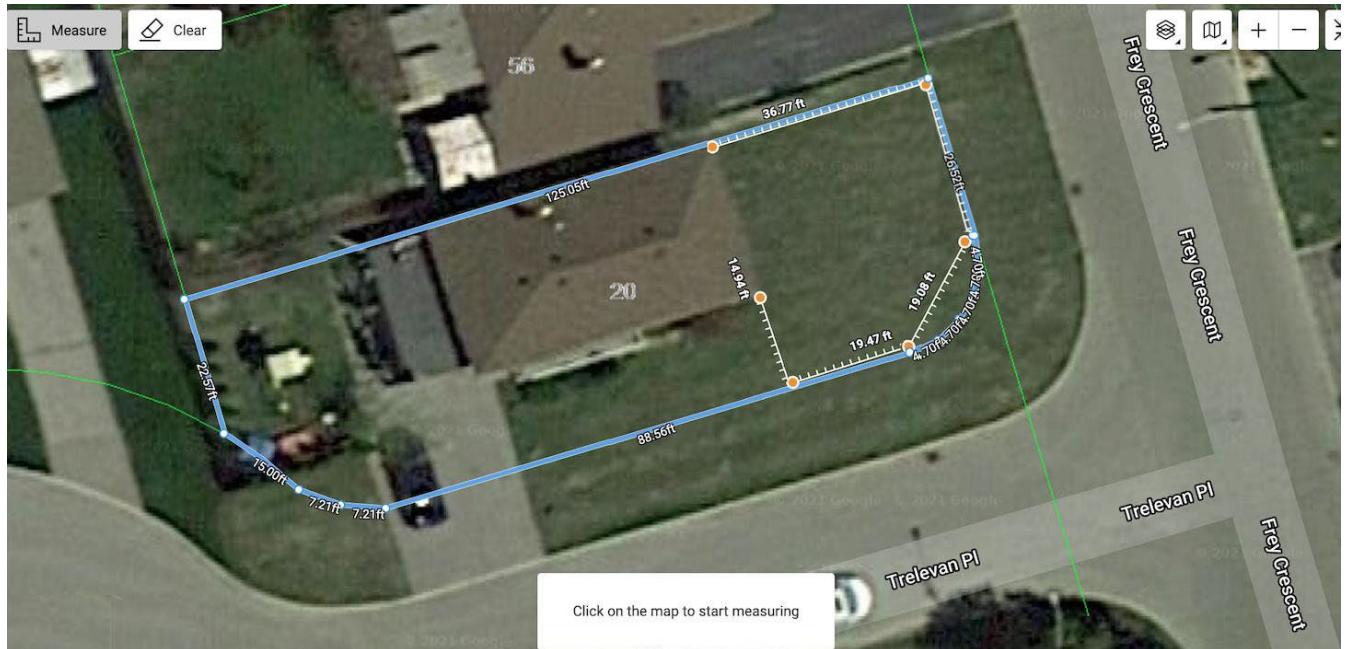
West View

South View



Path taken by people trespassing across corner lot at 20 Trelevan Place

Attachment 3: Photo of Proposed Fence (Aerial View) – 20 Trelevan Place



Attachment 4: Photo of Proposed Fence Construction



Attachment #5: Scarborough Community Council Decision regarding 80 Frey Crescent

Agenda Item History - 2018.SC32.1

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Tracking Status

- This item was considered by [Scarborough Community Council](#) on July 4, 2018 and was adopted with amendments. City Council has delegated authority for this matter to the Scarborough Community Council and therefore, the decision is final.

☐ Scarborough Community Council consideration on July 4, 2018

SC32.1	ACTION	Amended	Delegated	Ward:37
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Request for a Fence Exemption - Front Yard - 80 Frey Crescent

Community Council Decision

Caution: This is a preliminary decision. This decision should not be considered final until the meeting is complete and the City Clerk has confirmed the decisions for this meeting.

Scarborough Community Council:

- Granted the application for a fence exemption permit, thereby allowing the fence to remain as constructed.
- Directed and required that 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.

Origin

(June 12, 2018) Report from the Manager, Municipal Licensing and Standards, Scarborough District

Summary

This staff report concerns a matter for which the Scarborough 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 owners of 80 Frey Crescent for a site-specific Fence Exemption, pursuant to Section 447-5.C of Toronto Municipal Code, Chapter 447- Fences.

The subject property, on the west side of Frey Crescent, is a corner lot, with a one story detached residential dwelling. It is located in Ward 37, in a Residential Zoned Area south of Lawrence Avenue East and east of Warden Avenue.

The proposed fence does not comply with Section 447-3 of Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

GENERAL LOCATION	SPECIFIC LOCATION	DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	Beyond the front wall of the house on the Frey Crescent frontage.	Exceeds Permitted Height- of 1.2m	Section 447-2 (B)(1) Maximum height of 1.2 metres, measured at any point along its length.
Front Yard	Front yard, south side adjacent to the driveway of 62 Frey Crescent.	Fence at drive way location to be open mesh chain-link or equivalent open-fence construction.	Section 447-2 C. (1) Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway;
Front Yard			

Financial Impact

There is no financial impact anticipated in this report.

Background Information

(June 12, 2018) Report and Attachments 1-4 from the Manager,
Municipal Licensing and Standards, Scarborough District - Request for
a Fence Exemption - Front Yard - 80 Frey Crescent

(<http://www.toronto.ca/legdocs/mmis/2018/sc/bgrd/backgroundfile-117100.pdf>)

(June 19, 2018) Notice of Consideration - Request for a Fence
Exemption - Front Yard - 80 Frey Crescent

(<http://www.toronto.ca/legdocs/mmis/2018/sc/bgrd/backgroundfile-117101.pdf>)

Source: Toronto City Clerk at www.toronto.ca/council