

Application for Fence Exemption – 31 ELLINGTON DR

Date: May 17, 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.

The purpose of this report is to consider an application by the owner(s) of 31 Ellington Drive to maintain a wood fence in the rear yard on the south side of the property. The fence has lattice attached to the top that exceeds the maximum allowable height of a fence. This is contrary to what is specified in the Toronto Municipal Code, Chapter 447-1.2(B) Table 1 - Item 9 – Any Other Fence -2 Metres.

A Notice of Violation was issued on October 19, 2022.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 31 Ellington Drive, to allow them to maintain a wood fence in the rear yard greater than 2 metres in height, which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section 447-1.2(B) Table 1 - Item 9 – Any Other Fence -2 Metres.

OR

2. Grant the application for an exemption permit, by the owner(s) of 31 Ellington Drive, to allow them to maintain a wood fence in the rear yard greater than 2 metres in height. 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

On October 3, 2022, Municipal Licensing and Standards received a complaint regarding the fence being too high. A Notice of Violation was issued on October 19, 2023. A Fence Exemption Application was received on April 17, 2023.

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 fence height.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	Rear yard (South facing lot lines)	Current fence in 6 Feet high with a 2 Foot Additional Lattice on top	447-1.2(B) Table 1 Item 9 – Any Other Fence -2 Metres

CONTACT

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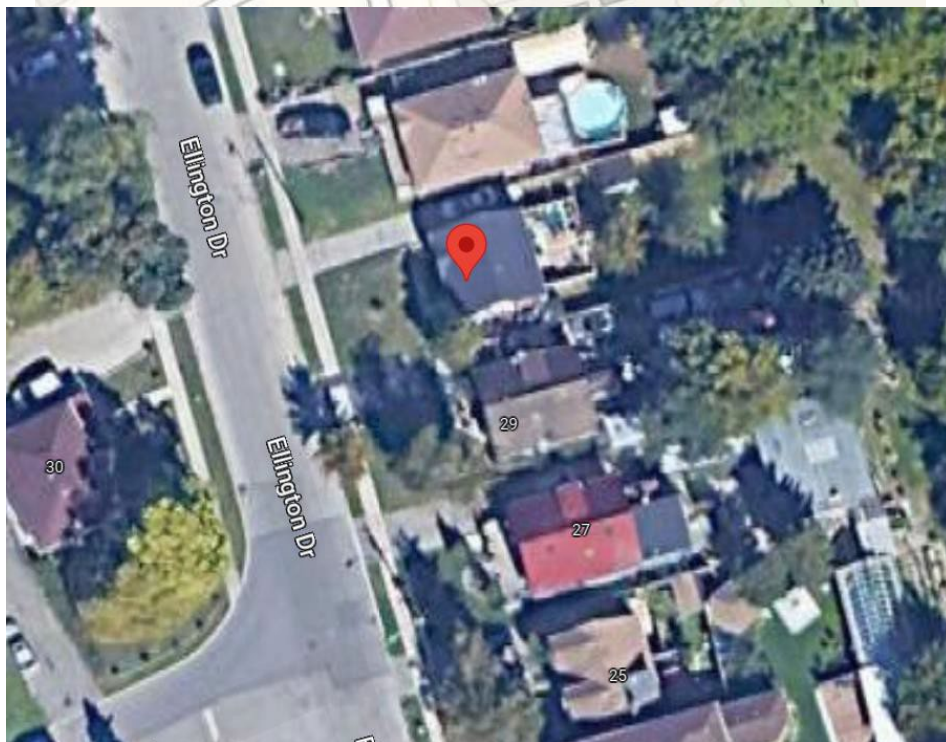
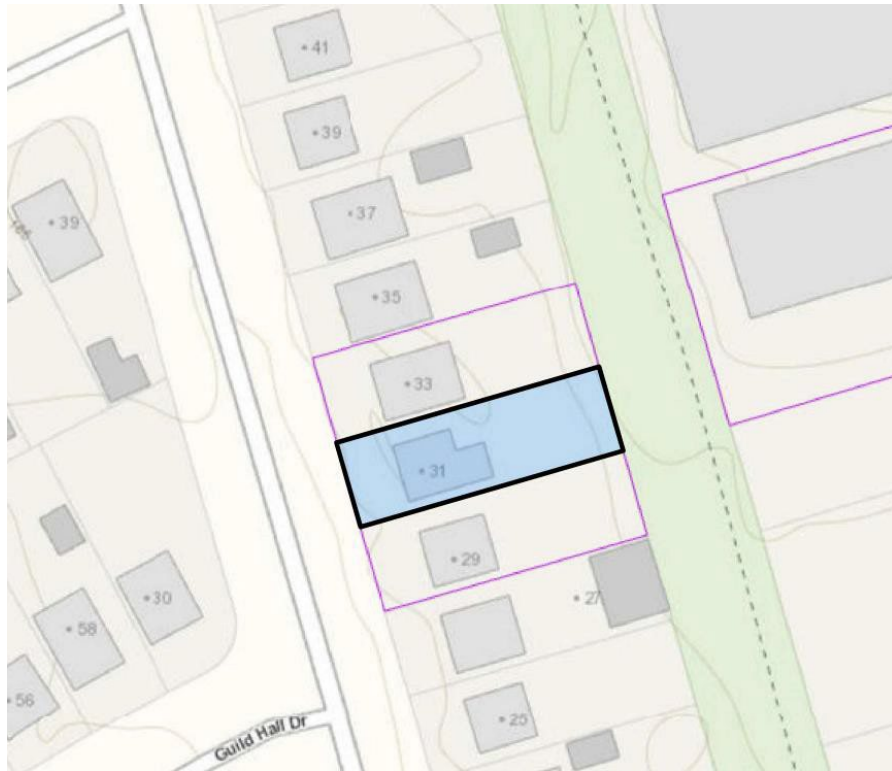
SIGNATURE

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ATTACHMENTS

Attachment 1: iView Map of Property – 31 Ellington Drive
Attachment 2: (3) Photos of Rear Fence taken By Officer W. Safdar – 31 Ellington Drive
Attachment 3: Letter from applicant – 31 Ellington Drive

Attachment 1: iView Map of Property – 31 Ellington Drive



Attachment 2: 3 Photos of Rear Fence taken By Officer W.Safdar – 31 Ellington Drive







Attachment 3: Letter from applicant – 31 Ellington Drive

Dear Madam, Sir,

Attached are eight (8) photographs and the original invoice no. 1800029763 re: an Inspection fee. The photos are of the broken backyard fence, temporarily repaired, when my neighbour "Billy" trespassed onto my backyard. There is video evidence. The remaining photos are of a beer can as the result of his alcohol induced debauchery last weekend, April 14, 15, 2023.

Please, may we claim ignorance regarding the invoice fee. I was not aware we had to pay to have a visit by the By-Law Enforcement Officer Waseem Safdar. Is the invoice fee also a "variance" cost? Mr. Safdar's visit was ordered by my neighbour "Billy" at 33 Ellington Dr., falsely accusing me of harbouring a tenant in my basement and to have a look at my backyard fence. I do not have an illegal tenant in my basement, but "Billy" does. In addition, we only added the fence lattice because of the problems caused by 33 Ellington Dr.

Should we call and make an appointment, either to talk or visit your office?

Please read further as an explanation to why the addition of the fence lattice.

This is in regards to the dangerous person(s) of 33 Ellington Dr. and the situation I and my spouse are experiencing living next door to this menace.

"Billy" and the other the tenants of 33 Ellington Dr. are known to the Police, Councillor Michael Thompson, his office, 311 Customer Services, Animal Services and the City By-law Enforcement authorities, the originator of the invoice. In addition, the entire neighbourhood is aware of the residence and malee of 33 Ellington Dr, for varies unscrupulous, reprehensible activities including illegal bonfires, illegal business activities emanating from the home namely an illegal truck repair and sale ventures, a puppy mill business since ceased, daily excessive noise especially after 12 midnight, personal verbal and physical threats, and the irresponsible ownership of his three dogs. There are pending, official complaints with Animal Services regarding at-large, loose dogs regarding 33 Ellington Dr.

Please, rest assured, this is not hearsay. There exists a long record of delinquency regarding "Billy" and 33 Ellington Dr. My spouse Charlene Arruda, supposedly as the result of the previously registered complaint against "Billy" of 33 Ellington Dr, have been verbally threatened with bodily harm. This is an incident recently involving "Billy" when he discovered our official complaint. "Billy" directed to my spouse, and witnessed by the present City By-law Officer, a juvenile tantrum outburst spewed in the most vile language. This included the threat of harm towards my spouse. "Billy" is a bully who believes intimation and lying will work with any and all troubling scenarios. Our neighbourhood folk are afraid of him but we are not. He is unconscionable and his reputation precedes him. We are still waiting for recourse regarding the trespass. All registered complaints are outstanding and we await action.

The action of the fence lattice was all we could do to create a boundary and a defence, and it did not help because "Billy" smashed through the fence anyways. What is one to do when one lives in constant terror and the unknown of "what is next"? What would you do?

Sincerely,

Charlene and Ricardo Arruda