

# Application for Fence Exemption – 40 MANDERLEY DRIVE

**Date: April 27, 2023**

To: Scarborough Community Council  
From: Manager Municipal Licensing & Standards, East District  
Wards: Ward 20 – Scarborough Southwest

## 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 40 Manderley Drive to maintain a fence constructed of wood, stone veneer, and stucco in the rear yard on the North, South and East sides of the property. The fence exceeds the maximum allowable height of 2 metres on all 3 sides of the rear of the property. As specified in the Toronto Municipal Code, Chapter 447-1.2(B)(1) Table 1 Item 9 – Any Other Fences

A Notice of Violation was issued on **Mar 06, 2023**.

The subject property of 40 Manderley Drive is located in Ward 20, on a RD (Residential Detached) zoned property. This property is a newly constructed detached house.

## 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 40 Manderley Drive, to maintain a wood, stone veneer and stucco fence that exceeds 2 metres in height which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section 447-1.2(B)(1) Table 1 Item 9 – Any Other Fences

OR

2. Grant the application for an exemption permit, by the owner(s) of 40 Manderley Drive, to allow them to maintain a wood, stone veneer and stucco fence that exceeds 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

---

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 (North, East and South facing lot lines) | <u>South rear yard</u><br>wooden fence: 2.1 meters high.<br><u>West rear yard</u><br>Stucco/Veneer fence: 2.28 meters high.<br><u>North rear yard</u><br>Stucco/Veneer fence: 2.4 meters high. | 447-1.2(B)(1) Table 1<br>Item 9 – Any Other<br>Fences -2 Metres |

## CONTACT

---

Andrew Orlik, Supervisor  
Municipal Licensing & Standards Division  
East District  
Tel. # 416-392-3076  
E-mail: [andrew.orlik@toronto.ca](mailto:andrew.orlik@toronto.ca)

## SIGNATURE

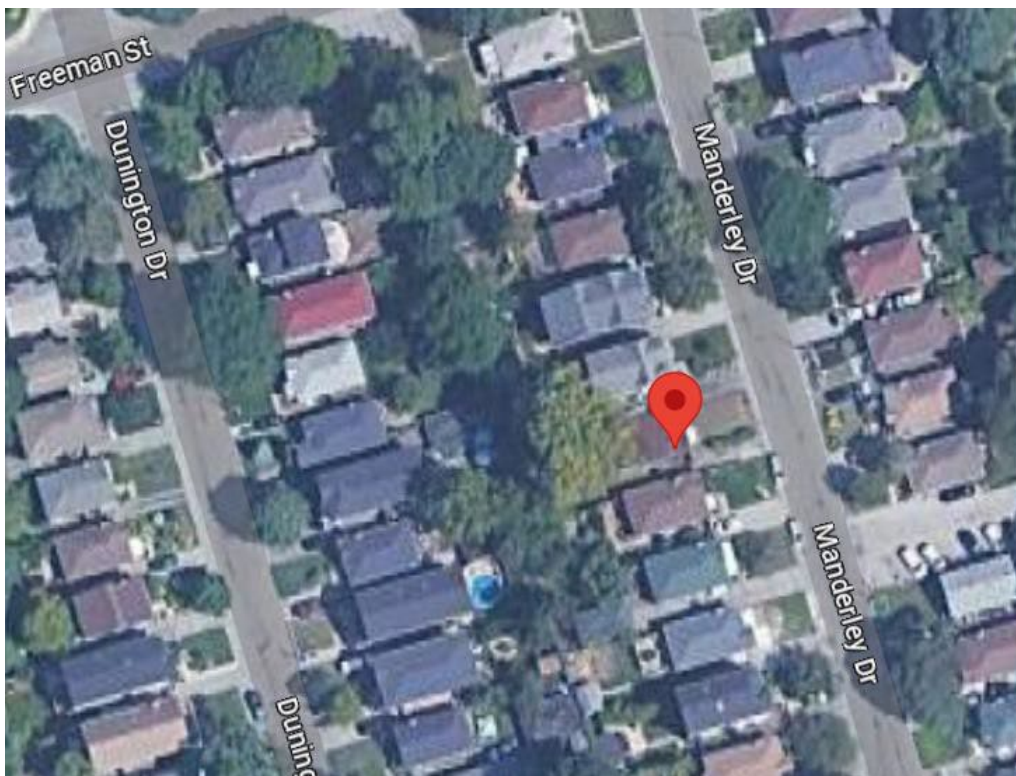
---

Jean Paul Nadeau  
(Acting)Manager,  
Municipal Licensing and Standards  
East District  
Tel: #416-396-7311  
E-Mail: [jeanpaul.nadeau@toronto.ca](mailto:jeanpaul.nadeau@toronto.ca)

## ATTACHMENTS

Attachment 1: iView Map of Property – 40 Manderley Drive  
Attachment 2: 4 Photos of Fence and Rear Yard– 40 Manderley Drive  
Attachment 3: Copy of NOV Issued

## Attachment 1: iView Map of Property – 40 Manderley Drive



**Attachment 2: 4 Photos of fence and Rear Yard – 40 Manderley Drive**





### Attachment 3: Copy of NOV Issued

GEORGIOS MISKAS  
40 MANDERLEY DR  
TORONTO, ON M1N 3E7  
CAN

## NOTICE OF VIOLATION

March 6, 2023

**Re: 40 MANDERLEY DR**

Legal Description: PLAN M560 PT LOT 9 PT LOT 10

Roll Number: 1901012200027000000

City of Toronto

An inspection of the above location has revealed that the **Toronto Municipal Code, Chapter 447, Fences, as amended**, is being contravened. You are hereby required to correct the following violation(s) on or before the compliance date(s) listed next to each contravention.

**The item(s) listed herein are in violation of the Toronto Municipal Code, Chapter 447, Fences.**

| Item # | Bylaw Section | Location and Description                                                                                                                                                           | Required Action                                                                                                                                                                                                  | Compliance Date |
|--------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1      | 1.2B.(1)      | <div>Rear Yard: Height of the fence exceeds the height permitted by the Chapter.</div> <div><div>Fence on single or multiple residential property</div><div>2.0 metres</div></div> | No fence as specified shall, when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence, exceed the height of 2.0 meters. | 06-Apr-2023     |

It is an offence to violate the requirements of the Toronto Municipal Code Chapter 447-Fences. Please be advised that, if the above property is not brought into compliance with the requirements of the Toronto Municipal Code Chapter 447-Fences by the compliance date(s) listed next to each contravention, you may be charged with an offence, and upon conviction, you are liable to a fine or penalty.