

Request for a Fence Exemption – 13 Collahie Street

Date: May 31, 2023
To: Toronto & East York Community Council
From: District Manager, Municipal Licensing and Standards, Toronto & East York District
Wards: Ward 9 – Davenport

SUMMARY

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

The purpose of this report is to consider an application submitted by the property owner of 13 Collahie Street for a site-specific Fence Exemption, pursuant to the Toronto Municipal Code, Chapter 447, "Fences", under subsection 447-1.5B.

This request is in response to a Fence Notice of Violation, issued by Municipal Licensing and Standards, for a fence that does not comply with the standards set out in subsection 447-1.2(B)(1) – fence height.

13 Collahie Street is a row house located on a residentially zoned lot in Ward 9.

RECOMMENDATIONS

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

1. Refuse to grant the request of the property owners of 13 Collahie Street for a site-specific exemption from Toronto Municipal Code, Chapter 447, "Fences", under subsection 447-1.5B, for a fence that that does not comply with the standards set out in subsection 447-1.2(B)(1).

OR

2. Grant the request of the property owners of 13 Collahie Street for a site-specific exemption from Toronto Municipal Code, Chapter 447, "Fences", under subsection 447-

1.5B, for a fence that that does not comply with the standards set out in subsection 447-1.2(B)(1) on the conditions that:

- a. The fence is maintained in good repair, in compliance with Toronto Municipal Code, Chapter 447, "Fences", except for the exemption as granted;
- b. If the fence is replaced, the replacement complies entirely with Toronto Municipal Code, Chapter 447, "Fences", or its successor bylaw; and
- c. Any other conditions as decided by the Toronto & East York Community Council.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

In response to a public complaint file with Municipal Licensing and Standards, the property owner requested a fence exemption, in writing, on April 11, 2023. The application requests a site-specific exemption to be granted, under Toronto Municipal Code, Chapter 447, "Fences", subsection 447-1.5(B), with respect to an existing fence that does not comply with subsection 447-1.2(B)(1).

As required by subsection 447-1.5(B), Municipal Licensing and Standards has responded to the fence exemption request by preparing this report for the Toronto & East York Community Council's consideration. The City Clerk has sent all requisite notices of the date that the Toronto & East York Community Council will consider this request.

COMMENTS

Municipal Licensing and Standards reviewed the proposed application and determined that the existing fence on the private portion of the property does not comply with Toronto Municipal Code, Chapter 447, subsection 447-1.2(B)(1) – fence in a rear yard may not exceed 2.0 metres.

The table on page 3 describes the existing fence and the deficiencies under Toronto Municipal Code, Chapter 447:

General Location	Specific Location	Current/ Existing Construction & Deficiency	By-Law Section & Requirement
Rear Yard	South-east side of the property	The existing fence consists of multiple horizontal wood planks which extend from the garage/shed at the rear of the property towards the home, between 13 and 11 Collahie Street. The height of the fence is between 2.11 and 2.45 metres, which is a contravention of Toronto Municipal Code, Chapter 447, "Fences", as the existing fence exceeds 2.0 metres (maximum permitted height).	Chapter 447– 1.2(B)(1) – Fence Height

In their request for an exemption, the property owners outlined their reasons for an exemption:

- The existing fence provides privacy to both 11 and 13 Collahie Street as each property has a deck which overlooks into the other's rear yard; and
- The existing fence replaced the former fence/privacy screen which was not structurally sound. The purpose of the new fence was to improve on the former fence/privacy screen.

The property owner has also included a survey illustrating the location of the existing fence, letters of support from multiple people within the neighbourhood including 11 Collahie Street, and a letter explaining their reasoning for requesting a fence exemption.

The refusal of the request will result in a Notice of Violation being issued to the property owner requiring compliance with the standards to which the refusal applies.

Granting the request will result in the closure of the investigation folder with Municipal Licensing and Standards.

Lastly, the existing fence does not contravene any other provisions of Toronto Municipal Code, Chapter 447, "Fences".

CONTACT

Simi Dhillon, Supervisor
Municipal Licensing and Standards

Investigation Services – Toronto & East York District
416-392-9200
Simi.Dhillon@toronto.ca

SIGNATURE



Chris Ellis, District Manager
Municipal Licensing and Standards
Investigation Services – Toronto & East York District

ATTACHMENTS

Attachment A – GIS Map of 13 Collahie Street

Attachment B – Photograph of Existing Fence

Attachment C – Letter from Property Owners Outlining Reason for Fence Exemption Application

Attachment D – Letter of Support from 11 Collahie Street

Attachment E – Letters of Support from Neighbouring Properties (8 Letters)

GIS Map of 13 Collahie Street



Attachment B

Photograph of Existing Fence



Attachment C

Letter from Property Owners Outlining Reason for Fence Exemption Application

To Whom It May Concern,

We, ALANA CUNDY & JONATHAN POOLE, the owners and residents of #13 Collahie street, collaborated with our neighbour, Marty Spellerberg, the owner of #11 Collahie street, on a shared fence construction built on the property line to replace an old and compromised fence structure. We all desired a certain level of privacy that the previous fence failed to provide and we sought out low maintenance, durable and sustainable materials.

The construction of the fence was timed with the completion of a large renovation on our house to address long standing structural, moisture and mold issues in the house. A permitted deck was added to the back of our house further reducing the privacy of our neighbour's yard and house. Prior to the start of our large renovation project which began in 2018, we presented the owner of #11 with a copy of our site survey and offered to replace and upgrade the previous fence. Last summer the project came to fruition and we worked with Marty to establish mutually beneficial fence heights to provide privacy for us and his future tenants. We also worked together on solutions for drainage issues along the property line and to preserve plantings.

To determine the new fence heights we asked ourselves: "How do we achieve the maximum amount of privacy with a minimum fence height?". We determined that if we mounted a 2 meter high privacy screen onto our deck, we achieved full privacy and therefore concluded a maximum height of 2.5 meters from grade was the optimal fence height.

Sincerely,

Jonathan Poole and Alana Cundy

Signed:

Date: APRIL 4TH, 2023

Attachment D

Letter of Support from 11 Collahie Street

To Whom It May Concern,

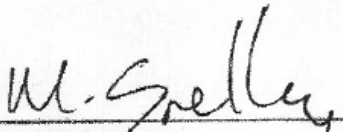
I am writing this letter as Power of Attorney for Janice Spellerberg, the owner of 11 Collahie St, to express my satisfaction with the new shared fence that was erected in collaboration with the owners of 13 Collahie St, Jonathan Poole and Alana Cundy.

I can attest that this fence was built to our agreed specifications. I am pleased with its height, which ensures privacy for both households. We also worked collaboratively to solve drainage issues along the property line and protect the plantings.

I appreciate your consideration and request that you approve this exemption.

Sincerely,

Signed:


Martin Spellerberg,
Power of Attorney for Janice Spellerberg,
Owner, 11 Collahie St

Date:

04 / 05 / 2023

Attachment E

Letters of Support from Neighbouring Properties (8 Letters)

To Whom It May Concern,

I, Laurie Martella, support and corroborate that the legally shared fence constructed on the property line between #11 Collahie street & #13 Collahie street does not adversely impact the community at large and/or neighbouring properties. The new fence was designed in thoughtful collaboration with both home owners to provide a high quality and low maintenance fence that offers privacy for all residents of the properties to enjoy their homes and outdoor spaces.

Sincerely,



#11 Collahie St

To Whom It May Concern,

I, Masayo Takao, support and corroborate that the legally shared fence constructed on the property line between #11 Collahie street & #13 Collahie street does not adversely impact the community at large and/or neighbouring properties. The new fence was designed in thoughtful collaboration with both home owners to provide a high quality and low maintenance fence that offers privacy for all residents of the properties to enjoy their homes and outdoor spaces.

Sincerely,

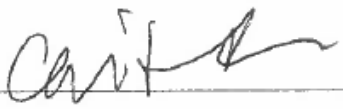
高尾 雅代

13A Collahie Street.

To Whom It May Concern,

I, Caitlin + Roger Carter, support and corroborate that the legally shared fence constructed on the property line between #11 Collahie street & #13 Collahie street does not adversely impact the community at large and/or neighbouring properties. The new fence was designed in thoughtful collaboration with both home owners to provide a high quality and low maintenance fence that offers privacy for all residents of the properties to enjoy their homes and outdoor spaces.

Sincerely,

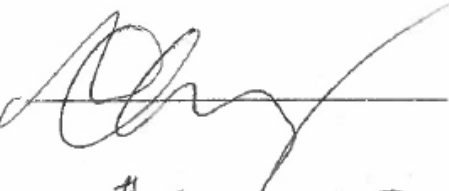


23 Collahie Street

To Whom It May Concern,

I, ~~MARILYN CALABRE~~ / ^{MARILYN} ~~DOWNING~~ support and corroborate that the legally shared fence constructed on the property line between #11 Collahie street & #13 Collahie street does not adversely impact the community at large and/or neighbouring properties. The new fence was designed in thoughtful collaboration with both home owners to provide a high quality and low maintenance fence that offers privacy for all residents of the properties to enjoy their homes and outdoor spaces.

Sincerely,



8 COLLAHIE ST.

To Whom It May Concern,

I, Phil Silverstein, support and corroborate that the legally shared fence constructed on the property line between #11 Collahie street & #13 Collahie street does not adversely impact the community at large and/or neighbouring properties. The new fence was designed in thoughtful collaboration with both home owners to provide a high quality and low maintenance fence that offers privacy for all residents of the properties to enjoy their homes and outdoor spaces.

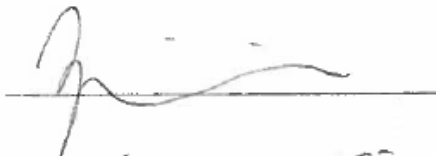
Sincerely,


146 Beaconsfield Ave

To Whom It May Concern,

I, Zia Bismilla, support and corroborate that the legally shared fence constructed on the property line between #11 Collahie street & #13 Collahie street does not adversely impact the community at large and/or neighbouring properties. The new fence was designed in thoughtful collaboration with both home owners to provide a high quality and low maintenance fence that offers privacy for all residents of the properties to enjoy their homes and outdoor spaces.

Sincerely,

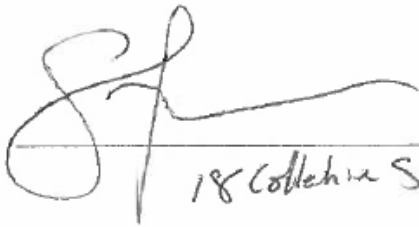


#18 COLLAHIE ST.

To Whom It May Concern,

I, STEVE MERCE, support and corroborate that the legally shared fence constructed on the property line between #11 Collahie street & #13 Collahie street does not adversely impact the community at large and/or neighbouring properties. The new fence was designed in thoughtful collaboration with both home owners to provide a high quality and low maintenance fence that offers privacy for all residents of the properties to enjoy their homes and outdoor spaces.

Sincerely,



18 Collahie St.

To Whom It May Concern,

I, Lisa Ross, support and corroborate that the legally shared fence constructed on the property line between #11 Collahie street & #13 Collahie street does not adversely impact the community at large and/or neighbouring properties. The new fence was designed in thoughtful collaboration with both home owners to provide a high quality and low maintenance fence that offers privacy for all residents of the properties to enjoy their homes and outdoor spaces.

Sincerely,

L. Ross.
3 Collahie St.
Tor. On. M6J 1T6.