

Request for a Fence Exemption – 1150 Dovercourt Road

Date: May 30, 2022
To: Toronto & East York Community Council
From: District Manager, Municipal Licensing & Standards, Toronto & East York
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 1150 Dovercourt Road 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 & Standards, for a fence that does not comply with the standards set out in subsection 447-1.2(B)(1) – fence height.

1150 Dovercourt Road is a residential semi-detached house located 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:

- A) Refuse to grant the request of the property owner of 1150 Dovercourt Road for a site-specific exemption from Toronto Municipal Code, Chapter 447, "Fences", under subsection 447-1.5B, for a fence that does not comply with the standards set out in subsection 447– 1.2(B)(1).

OR

- B) Grant the request of the property owner of 1150 Dovercourt Road 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:

- i. The fence is maintained in good repair, in compliance with Toronto Municipal Code, Chapter 447, "Fences", except for the exemption as granted;
- ii. If the fence is replaced, the replacement complies entirely with Toronto Municipal Code, Chapter 447, "Fences", or its successor bylaw; and
- iii. 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

After receiving a Fence Notice of Violation, dated September 16, 2022, the property owner requested a fence exemption, in writing, on October 19, 2022. 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 & 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 height.

The table below describes the existing fence and the deficiencies under Toronto Municipal Code, Chapter 447, "Fences":

General Location	Specific Location	Current/ Existing Construction & Deficiency	By-Law Section & Requirement
Rear Yard	North and south sides of rear yard	The existing fence consists of multiple panels of vertical wood boards on both the north and south sides of the property. The panels range from 2.2 to 2.4 metres in height. The existing fence exceeds the permitted maximum height of 2.0 metres.	Chapter 447–1.2(B)(1) – Fence Height

Moreover, in their request for an exemption, the property owner has provided the following information:

- The existing fence provides privacy and security for the occupants residing in the home;
- The fence was built to deter abuse and harassment from the neighbouring property; and
- The occupants residing in the home feel safer with the current fence in place.

The refusal of the request will result in a second 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 cancellation of any Notice of Violation that had been issued to the property owner requiring compliance with the standards covered by the granted exemption.

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

CONTACT

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SIGNATURE



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

ATTACHMENTS

Attachment A – GIS map of 1150 Dovercourt Road

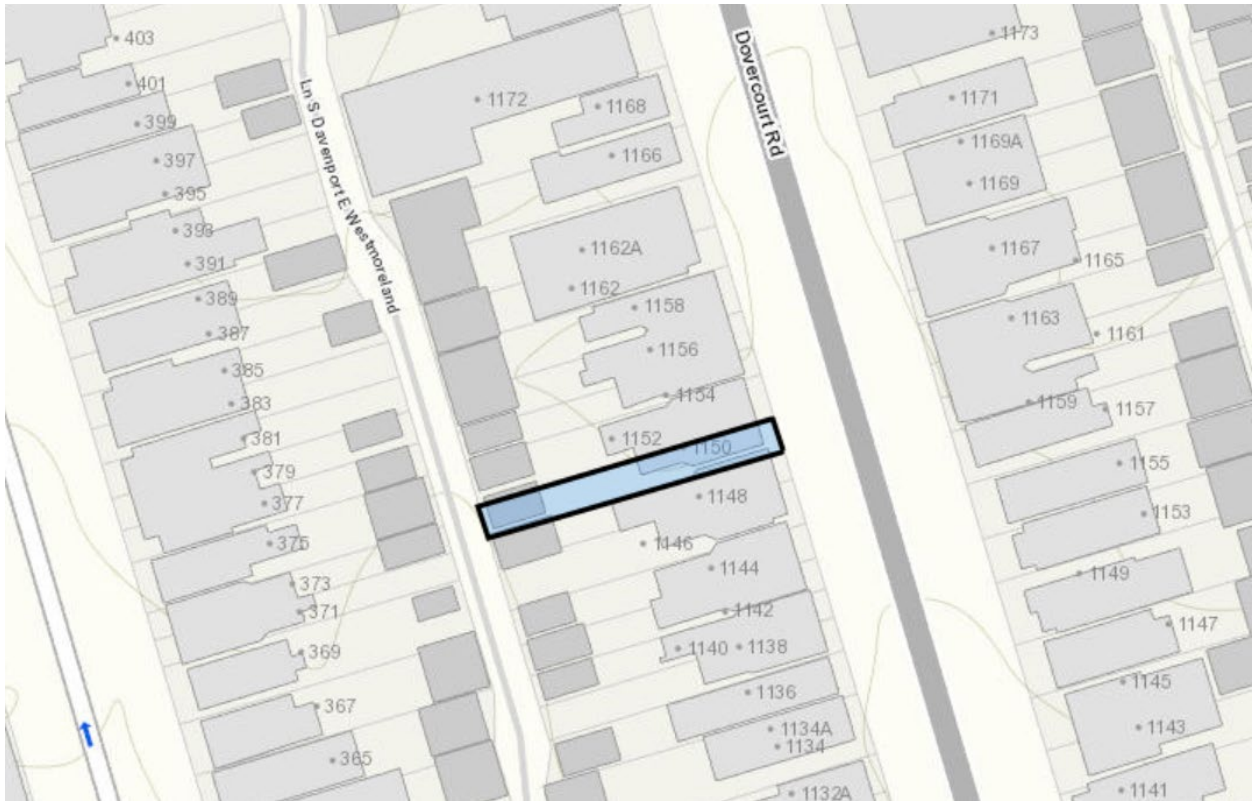
Attachment B – Photograph of Existing Fence

Attachment C – Letter of Support from 1152 Dovercourt Road

Attachment D – Site Plan of 1150 Dovercourt Road

Attachment A

GIS map of 1150 Dovercourt Road



Attachment B

Photograph of Existing Fence



Attachment C

Letter of Support from 1152 Dovercourt Road

City of Toronto,
Municipal Licensing and Standards
433 Eastern Avenue, Building B, 1st Floor;
Toronto, ON M4M 1B7

Re: 1150 Dovercourt Road, Fence Exemption

Dear Councillor,

I, Elise Rocha, am the homeowner at 1152 Dovercourt Road. I am the neighbour to 1150 Dovercourt Road and share my South property line with this property. I am aware of the violation notice received by the owners of 1150 Dovercourt for the fence height violation. The fence in question separates my backyard from theirs.

In speaking with me, the owners of 1150 Dovercourt have explained that the exemption is being requested due to the harassment, violence, and threats received from the owner of 1148 Dovercourt. I have been witness to the harassment and can confirm that the fence was built for the purpose of creating a safe and secure place for the owners and their tenants. The Owners of 1150 Dovercourt notified us in advance of the fence being built and explained the reasoning behind it.

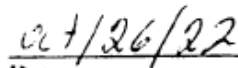
I am in agreement with the request for an exemption to keep the fence at the existing height. Please take this letter as my formal approval to leave the fence height as is.

Should this exemption be rejected, I feel the safety of the residents and the property will be compromised. Without the fence at this height there is increased risk of violence from 1148 Dovercourt towards the residents at 1150 Dovercourt.

Signed.



Signature

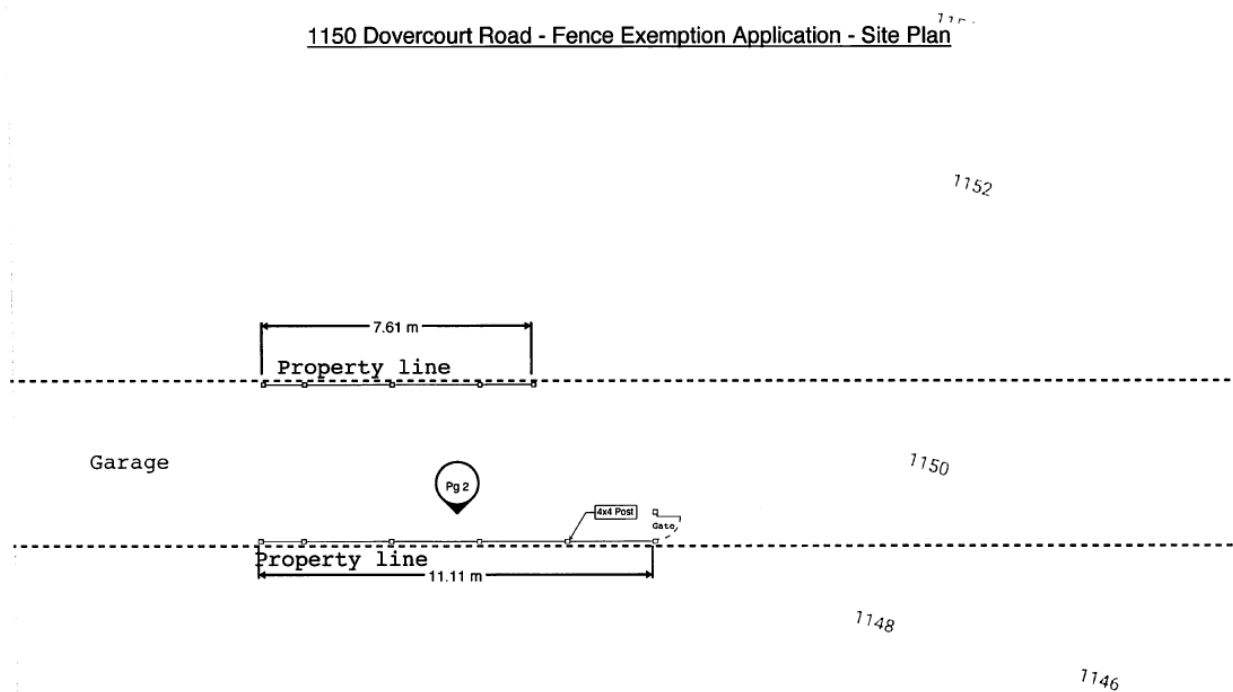


Date

Attachment D

Site Plan of 1150 Dovercourt Road

1150 Dovercourt Road - Fence Exemption Application - Site Plan



1150 Dovercourt Road - Fence Exemption Application - South Fence Elevation

