

Application for Fence Exemption – 104 Gilbert Avenue

Date: May 30, 2023
To: Toronto & East York Community Council
From: Manager - Municipal Licensing & Standards, Central 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 by the owner(s) of 104 Gilbert Avenue to maintain a wooden fence that with a height that ranges from 2.6 meters (8.5 feet) to 3.1 meters (10.1 feet) in the rear yard on the south side of the property. The fence is abutting 102 Gilbert Avenue. The fence is for privacy. The fence would be in contravention of the Toronto Municipal Code, Chapter 447-1.2B (1) Table 1 – Maximum Height of Fences. Based on a complaint, a Notice of Violation was issued on April 29, 2022.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto & East York Community Council:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 104 Gilbert Avenue to maintain a wooden fence with a height that ranges from 2.6 meters (8.5 feet) to 3.1 meters (10.1 feet) in the rear yard on the south side of the property, which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section 447-1.2B (1) Table 1- Maximum Height of Fences.

OR

2. Grant the application for an exemption permit, by the owner(s) of 104 Gilbert Avenue to maintain a wooden fence with a height that ranges from 2.6 meters (8.5 feet) to 3.1 meters (10.1 feet) in the rear yard on the south side of the property. 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 Toronto & East York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Toronto & East York Community Council will consider the application.

COMMENTS

The fence in question 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 lot line) abutting 102 Gilbert Avenue	Wooden fence with a height that ranges from 2.6 meters (8.5 feet) to 3.1 meters (10.1 feet)	447-1.2B (1) Table 1 Maximum Height of Fences. 2.0 meters maximum height

CONTACT

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SIGNATURE



Christopher Ellis, Manager
Municipal Licensing and Standards
Central District

ATTACHMENTS

Attachment 1: iView Map of Property
Attachment 2: Officer photos of fence - Side lot line
Attachment 3: Photo of the fence from adjoining property - 102 Gilbert Avenue

Attachment 1: iView Map of Property



Attachment 2: Officer's photos of fence - Side lot line



Attachment 3: Photo of the fence from adjoining property - 102 Gilbert Avenue

