

Request for a Fence Exemption – 16 Austin Crescent

Date: May 30, 2023
To: Toronto & East York Community Council
From: District Manager, Municipal Licensing and Standards, Toronto & East York District
Wards: Ward 12 – Toronto – St. Paul's

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 16 Austin Crescent 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.

16 Austin Crescent is a detached house located on a residentially zoned lot in Ward 12.

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 16 Austin Crescent 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

2. Grant the request of the property owners of 16 Austin Crescent 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

After receiving a Fence Notice of Violation, dated January 18, 2023, the property owner requested a fence exemption, in writing, on January 31, 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	Southwest side of the property	The existing fence consists of 5 panels, in which each panel comprises of approximately 16 vertical wood planks. The height of the fence is between 2.04 and 2.23 metres, which is a contravention of Toronto Municipal Code, Chapter 447.	Chapter 447–1.2(B)(1)

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

- The fence provides privacy as the neighbouring property raised the grade of their rear yard by 1 metre;
- As a result of raising the grade, the existing fence located on the neighbouring property has been used as a retaining wall, however, the fence is not in good repair, failing to retain the soil on the neighbouring property;
- When viewed from the neighbouring property, the fence height is approximately 1.2 to 1.5 metres in height; and
- Final landscaping has yet to take place at 16 Austin Crescent, and when done so, the existing height of the fence will be reduced.

The property owner has also included a survey illustrating the location of the existing fence.

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



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Investigation Services – Toronto & East York District

ATTACHMENTS

Attachment A – GIS Map of 16 Austin Crescent

Attachment B – Photograph of Existing Fence

Attachment C – Survey of 16 Austin Crescent with Location of Existing Fence

Attachment D – Survey of 16 Austin Crescent with Location of Existing Fence

Attachment E – Photograph of Neighbouring Fence

Attachment F – Photograph of Neighbouring Fence & Backyard

Attachment A

GIS Map of 16 Austin Crescent



Attachment B

Photograph of Existing Fence



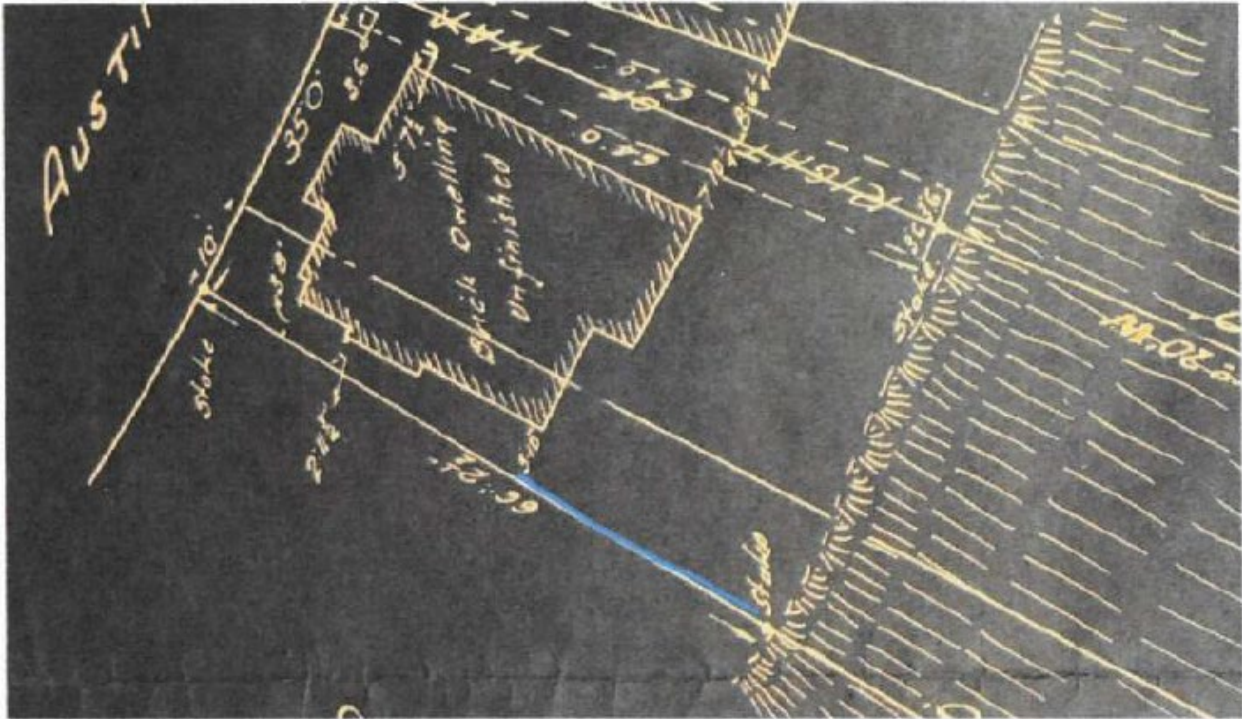
Attachment C

Survey of 16 Austin Crescent with Location of Existing Fence



Attachment D

Survey of 16 Austin Crescent with Location of Existing Fence



Attachment E

Photograph of Neighbouring Fence



Attachment F

Photograph of Neighbouring Fence & Backyard

