



REPORT FOR ACTION

Request for a Fence Exemption – 224 Chaplin 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 224 Chaplin 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.

224 Chaplin 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 224 Chaplin 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).

OR

2. Grant the request of the property owners of 224 Chaplin 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) 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 November 8, 2022, the property owner requested a fence exemption, in writing, on November 29, 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 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) – maximum height of a fence in a front yard and not within 2.4 metres of a lot line abutting a public highway cannot 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
Front Yard	Southwest side of the property	The existing fence consists of 4 panels, in which each panel comprises of approximately 11-13 pressure treated, horizontal wood planks. The fourth panel abutting the home is approximately 2.13 metres in height (7 feet), which is a contravention of Toronto Municipal Code, Chapter 447.	Chapter 447–1.2(B)(1)

The remainder of the fence on the private portion of the property complies with the provisions of Toronto Municipal Code, Chapter 447.

In their request for an exemption, the property owners provided a letter outlining their reasons for an exemption. They have also included an updated site plan illustrating the location of the current enclosure.

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.

The grant of 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 and Standards
Investigation Services – Toronto & East York District

ATTACHMENTS

Attachment A – GIS Map of 224 Chaplin Crescent

Attachment B – Photograph of Existing Fence

Attachment C – Letter of Support from 222 Chaplin Crescent

Attachment D – Survey of 224 Chaplin Crescent

Attachment E – Survey of 224 Chaplin Crescent

Attachment A

GIS Map of 224 Chaplin Crescent



Attachment B

Photograph of Existing Fence



Attachment C

Letter of Support from 222 Chaplin Crescent

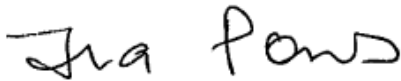
Ina Powers
222 Chaplin Crescent
Toronto, Ontario
M5P 1B1

To Whom it may concern,

My neighbours (the Gilberts) from 224 Chaplin Crescent have asked me to write this letter in support of the fence that they have just erected on the west side of their front yard.

I have no objection to this fence. It is approximately the same dimensions as a hedge that was on the property in the same location for about the last 20 years.

Regards,

A handwritten signature in black ink that reads "Ina Powers". The signature is written in a cursive, flowing style.

Ina Powers

Survey of 224 Chaplin Crescent



Survey of 224 Chaplin Crescent

