



Eileen P. K. Costello
Direct: 416.865.4740
E-mail: ecostello@airdberlis.com

January 20, 2023

Our File No. 145782

BY EMAIL – conner@rblp.com

Conner Harris
Rayman Harris LLP
250 The Esplanade, Suite 202
Toronto ON M5A 1J2

Dear Mr. Harris:

**Re: Fence Exemption Application (22 147996 FEN 00 IV)
191 Dunvegan Road**

Aird and Berlis LLP acts on behalf of Joanne Fox, the owner with respect to the property municipally known as 191 Dunvegan Road, in the City of Toronto (the “Site”).

As you know, consideration of the Fence Exemption application for the Site was deferred to the January 26, 2023 meeting of Toronto & East York Community Council (“TEYCC”) to allow for a potential resolution between your clients and ours.

At this juncture, we think it important to reiterate that our client has taken all reasonable steps to accommodate your clients in relation to the sports court. Our client initially pursued the installation of the mesh basketball screen at a height of 3.2 metres from grade in direct response to your clients’ stated concerns in 2018 with respect to balls coming over the fence and into their yard. Moreover, our client chose open netting for the screen, which impedes neither light nor movement of air in relation to your clients’ yard.

However, in an attempt to find a solution for this matter, we recently consulted with Bylaw Enforcement Officer Mr. Elliott de Barros to determine whether compliance with the Fence Bylaw would be viable. Mr. de Barros confirmed that in order to comply with the Fence Bylaw, the basketball screen would need to be lowered by 0.6 metres (approximately 2 feet) for a height of 2.6 metres from grade.

Not only would this reduced height hamper the effectiveness of the basketball screen and increase the likelihood of balls coming into your clients’ yard, the screen would still be visible over the fence and thus not resolve your clients’ stated concern with respect to visual intrusion. Should TEYCC refuse our client’s application and require the basketball screen be lowered to 2.6 metres in height from grade, none of the issues advanced by your clients will be addressed. As a result, our client maintains their position that the current height of 3.2 metres from grade is the most reasonable solution.

We hope this additional information is of assistance in considering a possible resolution of this matter, and we will make ourselves available should you wish to discuss in advance of the TEYCC

January 20, 2023

Page 2

meeting on January 26. Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

Eileen Costello
EPKC/NM

- c. Councillor Josh Matlow – Ward 12 – By Email @ councillor_matlow@toronto.ca
Ellen Devlin, Secretariat – By Email @ teycc@toronto.ca
Client

51812070.1