

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 94 Cowley Avenue

Date: May 6, 2024

To: Etobicoke York Community Council

From: District Manager, Municipal Licensing and Standards, West District

Wards: Ward 2 Etobicoke Centre

SUMMARY

This staff report concerns a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to advise Community Council concerning an application by the property owner of 94 Cowley for a site-specific Fence Exemption, pursuant to Section 447-1.5(B) of Toronto Municipal Code, Chapter 447 – Fences. The property owner is seeking Community Council's permission to erect a vinyl fence on the North and West side of the property that will not comply with the standards stipulated by Section 447-1.2(A). The applicant is seeking permission to erect a fence constructed of vinyl material at the permitted maximum height of 2 meters. This fence will form part of a Pool Enclosure.

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, West District recommends that Etobicoke York Community Council:

Refuse to grant the application for exemption by the property owner of 94 Cowley Avenue, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences and to issue a second notice to the property owner to bring the fence into compliance.

FINANCIAL IMPACT

There is no anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing on May 1, 2024.

As required by Section 447-1.5(B), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Etobicoke York Community Council consideration, and, the City Clerk has sent all requisite notifications of the date that Etobicoke York Community Council will consider the application.

The subject property, 94 Cowley Avenue is located in Ward 2. The property is a detached residential home.

See the table below for the dimensions of the fence to be maintained.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
North & West Side of the Property	Rear Yard	The material requested to be installed is non- permitted as per Chapter 447. Namely; Vinyl fencing material.	Chapter 447-1.3(E) Non-permitted material. The Chapter does not list vinyl as a permitted material.

COMMENTS

On May 1, 2024, the property owner at 94 Cowley Avenue submitted an application for a fence exemption.

The applicant is seeking permission to install a vinyl fence measuring 2 meters in height on both the north and west sides of the property (the existing fence on the east side of the property is a shared fence constructed of vinyl material (based on an approved fence exemption heard on November 13, 2023). The applicant is requesting this exemption for consistency in fencing material throughout their rear yard.

*Alternate recommendation is to grant the application for a fence exemption permit (with or without conditions) to the property owner of 94 Cowley Avenue, thereby allowing the installation of a vinyl fence on the north and west sides of the rear yard. Also, to direct and require the rear yard fences be maintained in good repair without alteration. At such time as replacement of the fence is required, the installation will comply with Municipal Code Chapter 447, Fences, or its successor by-law.

CONTACT

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SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment A – I-View Map of Property – 94 Cowley Avenue
Attachment B – Photo of North-facing Fence
Attachment C – Photo of West facing Fence
Attachment D – Approved Site Plan for Pool Enclosure

Attachment A: iView Map of property – 94 Cowley Avenue



Attachment B: Photo of North facing Fence
Chain link fence measuring 4 ft. in height along the North side of the rear yard for approx. 20.86 meters (68 ft.).



Attachment C: Photo of West facing Fence
Board on board fence along the east side of the property – measuring approximately 25.91 meters (85 Ft).



Attachment D – Approved site plan for Pool Enclosure

