

## **34 Smithfield Drive - Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447**

**Date:** June 03, 2024

**To:** Etobicoke York Community Council

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

**Wards:** Ward 03 – Etobicoke-Lakeshore

### **SUMMARY**

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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 34 Smithfield Dr 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 maintain a fence in the rear yard on the north, west and south side of the property that will not comply with the standards stipulated by Section 447-1.2(B)(1). The applicant is seeking permission to maintain a fence constructed of wood with vertical board on boards and horizontal boards on top with lattice fencing on top of the horizontal boards. The highest measurement of the fence is 2.57m in height on the North, West and South side of the rear yard.

### **RECOMMENDATIONS**

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

1. Refuse the application for property owner of 34 Smithfield Dr. The proposed fence would fail to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences. A notice of violation to direct the property owner to bring the fence into compliance will be issued.

### **FINANCIAL IMPACT**

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There is no anticipated Financial Impact from this report.

## DECISION HISTORY

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The property owner submitted a fence exemption application, in person, on October 03, 2023 in regards to a fence exemption application for an existing fence in accordance with Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences.

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, 34 Smithfield Dr, and is located in Ward 3. 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 and South side of property.	Rear yard of property.	Height of the fence to exceed the height permitted by the Chapter. Namely; The existing fence is 2.57m.	Chapter 447-1.2B(1) Any other fence; shall not exceed a height of 2 metres.

## COMMENTS

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On October 03, 2023, property owner at 34 Smithfield Dr submitted an application for a fence exemption.

The applicant is seeking permission to maintain a fence on the North, South and West side of the property. The fence is constructed of wood with vertical board on boards and horizontal boards on top. There is a portion of the fence on the South side that has additional lattice on top of the wooden fence. The highest point of the fence is 2.57m. The applicant is requesting the exemption for their privacy and security.

\*Alternate recommendation is to grant the application for a fence exemption permit (with or without conditions) to the property owners of 34 Smithfield Dr, thereby allowing the current fence to be maintained. Direct and require that the existing fence be maintained in good repair without alteration. At such time as replacement of the fence is required

that such installation will comply with Municipal Code Chapter 447, Fences, or its successor by-law.

## **CONTACT**

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Chantal Cormier, Acting Supervisor  
Municipal Licensing and Standards  
Investigation Services – West District  
Tel. 647-210-4781  
Email: Chantal.Cormier@toronto.ca

## **SIGNATURE**

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Joe Magalhaes  
District Manager

## **ATTACHMENTS**

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**Attachment A** – GIS MAP  
**Attachment B** – Photos  
**Attachment C** – Site Plan

**Attachment A**

**GIS MAP**

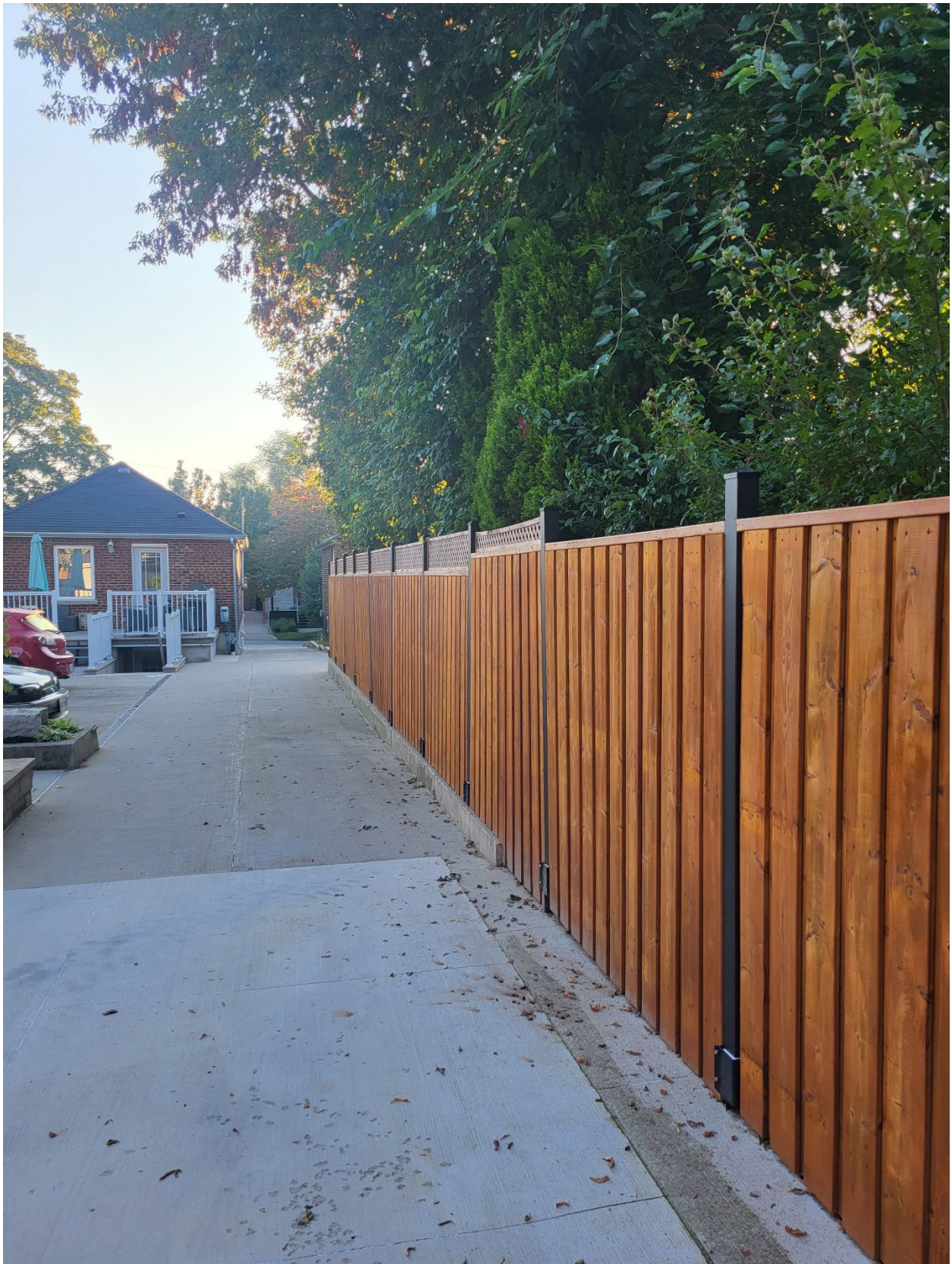


**Attachment B**

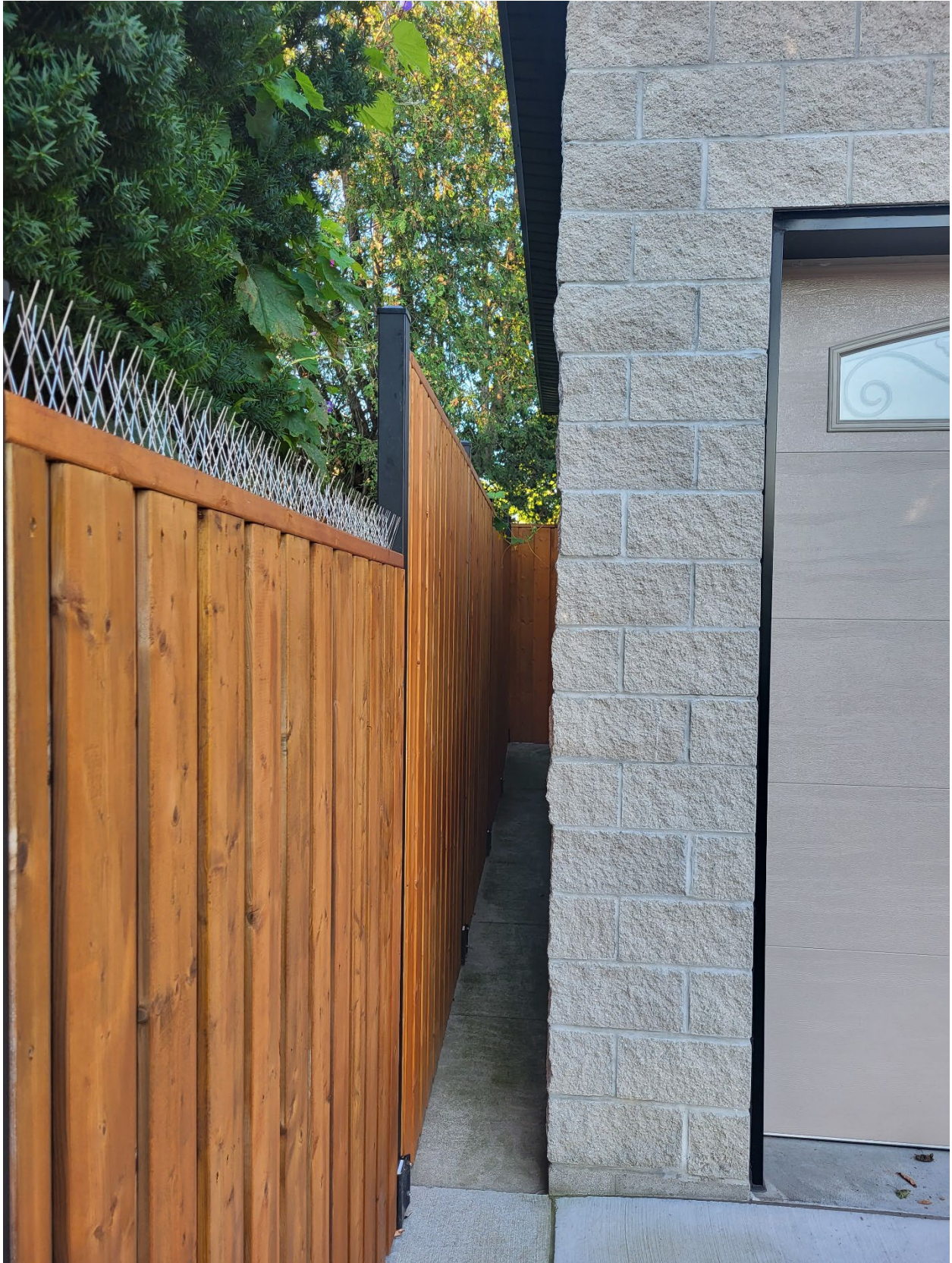
**PHOTOS**



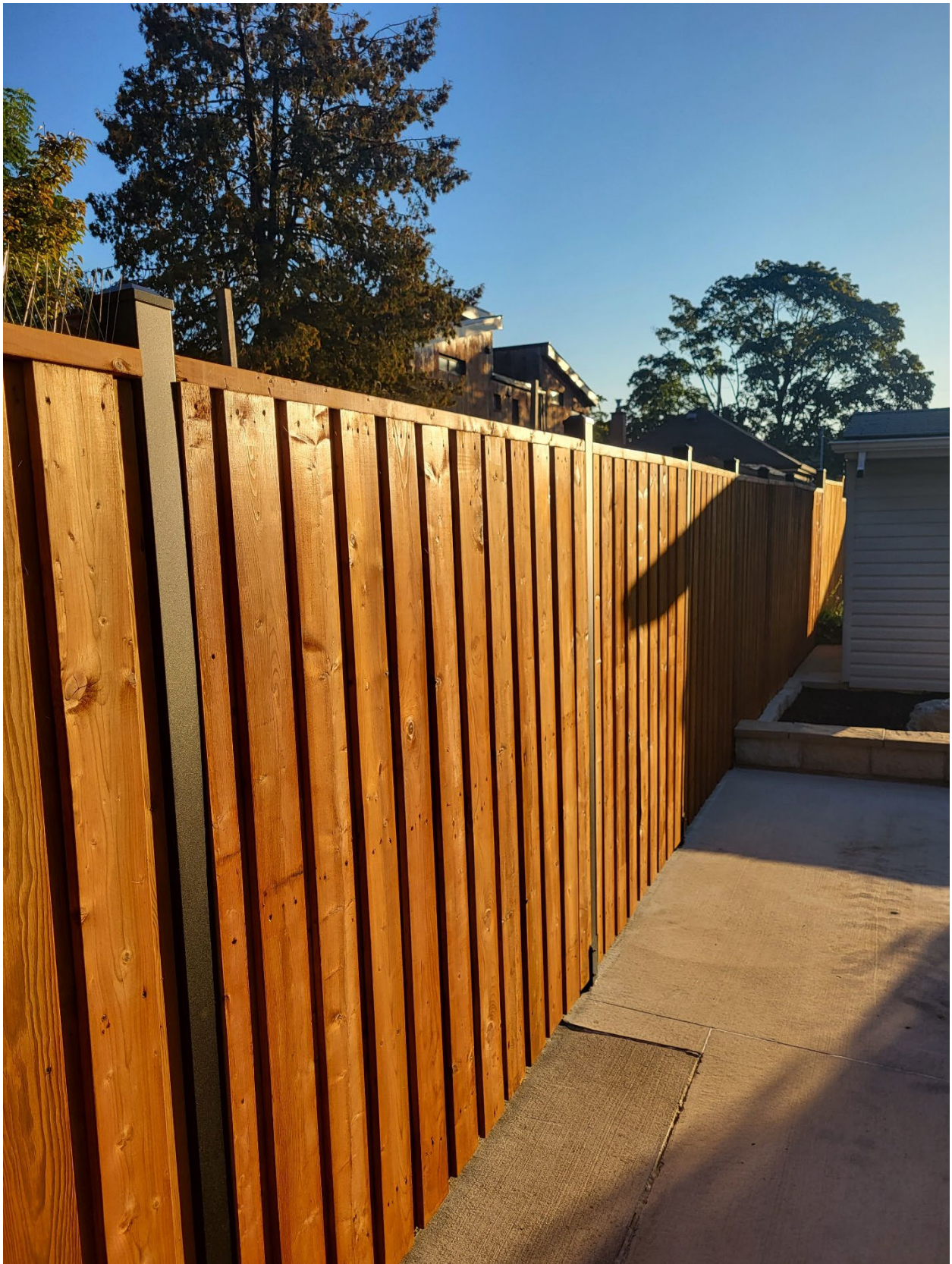
**ENTIRE FENCE**



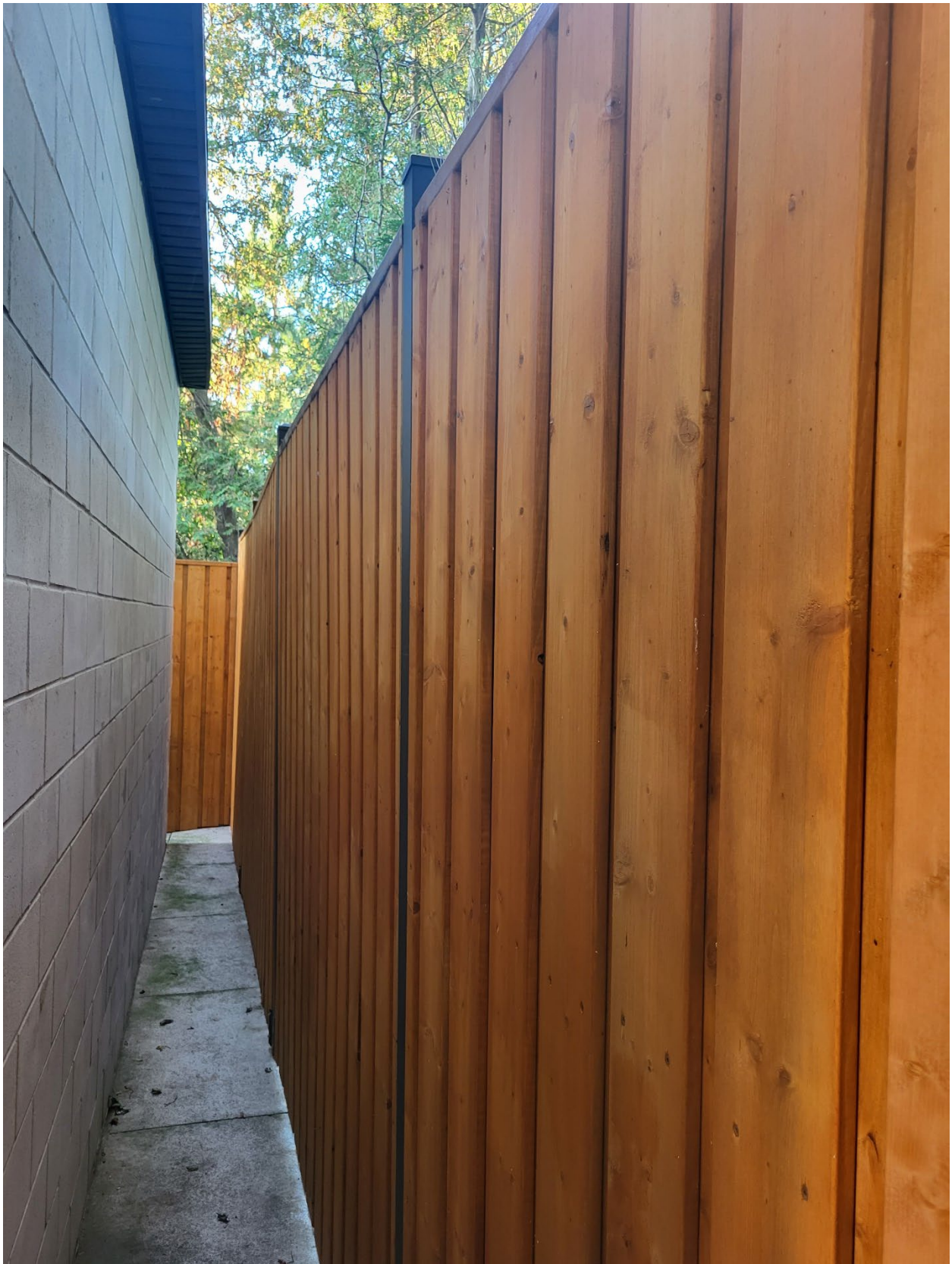
SOUTH SIDE



SOUTH SIDE



NORTH SIDE



WEST SIDE

# Attachment C

## Site Plan

