

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 115 Langden Avenue

Date: September 24, 2024

To: Etobicoke Community Council

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

Wards: Ward 5 – York South - Weston

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 Etobicoke Community Council concerning an application by the property owner of 115 Langden Avenue 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 wood fence on the east and south side-rear of the property measuring 2.4m in height which does not comply with the standards stipulated by Section 447-1.2(A). In addition, the property owner of 115 Langden Avenue is also seeking permission to maintain the pool setbacks on the east, west and south sides of the property. The current setbacks are as follows: east side setback from the enclosure to the pools edge is 0.96m. The south side setback from the enclosure to the pools edge is 1.09m. The west side setback from the enclosure to the pools edge is 0.76m. These setbacks do not comply with the standards stipulated by Section 447 1.3E.(1). (a). A Notice of Violation was issued on November 10, 2023, relating to the above-mentioned violations.

RECOMMENDATIONS

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

Refuse the application for exemption by the property owner of 115 Langden Avenue because the fence and setbacks fail to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences.

FINANCIAL IMPACT

Fence Exemption Request – 115 Langden Avenue .

There is no anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing on June 17, 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, 115 Langden Avenue is located in Ward 5. The property is a detached residential home.

See the table below for the dimensions of the fence to be maintained and increase in height.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
East and South Side of Property	Rear Yard	Maintain fence height at 2.4m.	Chapter 447-1.2 B(1) Fence not in the front yard and not within 2.4 metres of a public highway exceeds 2.0 metres.
East, South and West of Property	Rear Yard	Maintain pool setback from enclosure to pools edge.	Chapter 447-1.3 E(1)(a) A swimming pool enclosure, including any gate forming part of the enclosure, shall: (a) Be no closer than 1.2 metres horizontally to the water's edge in the pool.

COMMENTS

On June 17, 2024, the property owner at 115 Langden Avenue. submitted an application for a fence exemption.

The applicant is seeking permission to maintain a wood fences on the east and south side rear of the property measuring 2.4m in heigh. In addition, the property owner of 115 Langden Avenue is also seeking permission to maintain the pool setbacks on the east, west and south sides of the property. These setbacks do not comply with the standards stipulated by Section 4471.3E.(1)(a). The applicant is requesting this exemption for privacy.

If Etobicoke Community Council grants the application for a fence exemption permit (with or without conditions) to the property owner of 115 Langden Avenue, it will be thereby allowing the property owner to maintain the pools current setbacks: east side setback at 0.96m. The south side setback at 1.09m and the east side setback at 0.76m. In addition, to maintain the wood fences on the west and south side of the property which currently measures 2.4m. in height. If Etobicoke Community Council elects to grant such application, ML&S request that they direct and require the property owner to maintain fence 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 – 115 Langden Avenue

Attachment B – Photo of South side fence

Attachment C – Photo of East side fence

Attachment D – Photo of West side setback of pool

Attachment E - Photo of South side setback of pool

Attachment F - Photo of East side setback of pool

Attachment A: iView Map of property – 115 Langden Avenue .



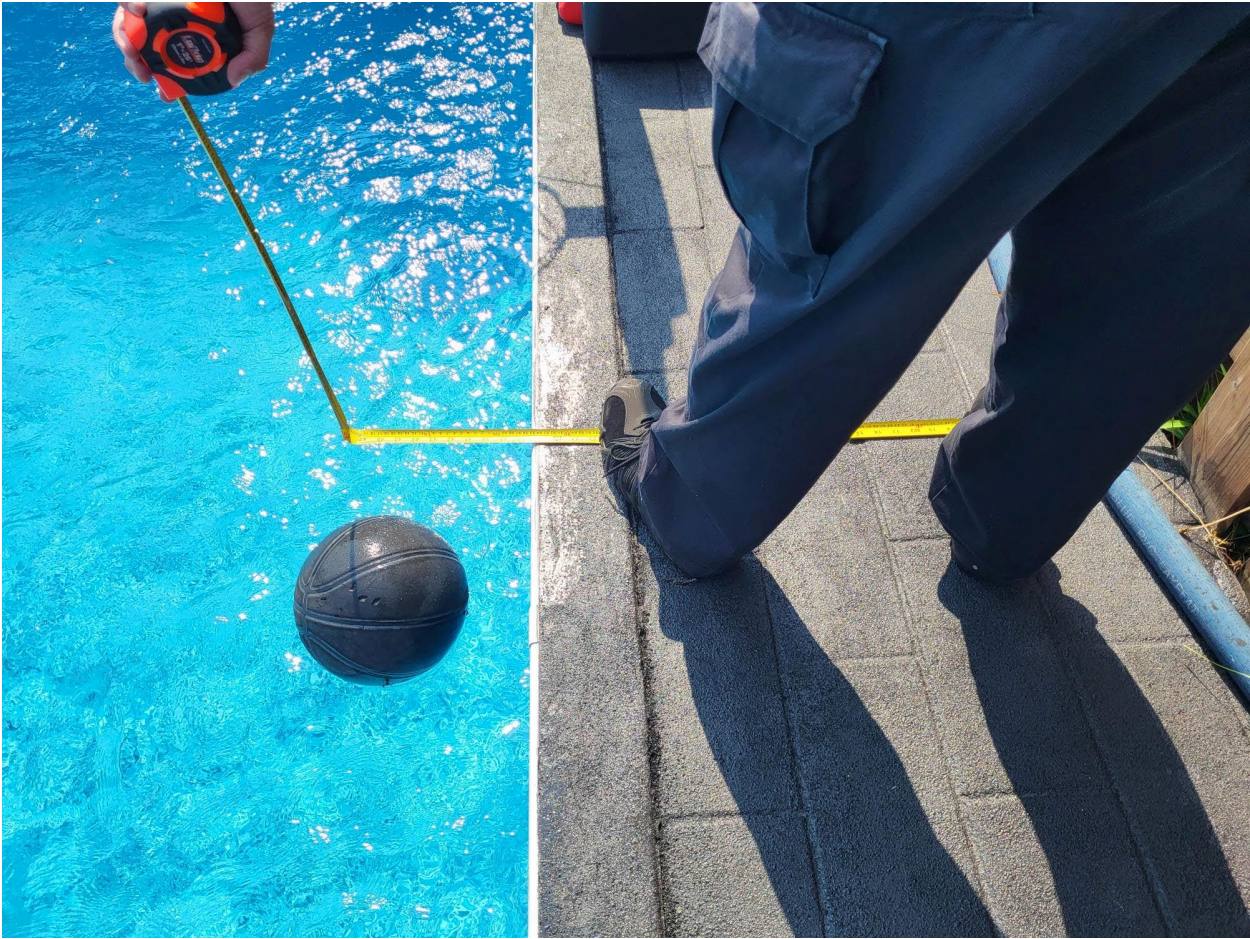
Attachment B – South side of rear yard fence.



Attachment C – Photo of Existing east rear yard.



Attachment D - Photo of West side setback of pool



Attachment E - Photo of South side setback of pool



Attachment F - Photo of East side setback of pool

