

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 25 Maxwell St

Date: December 14, 2023

To: North York Community Council

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

Wards: Ward 06 - York Centre

SUMMARY

This staff report concerns a matter for which the North 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 25 Maxwell St for a site-specific Fence Exemption, pursuant to Section 447- 1.5 (B) of the Toronto Municipal Code, Chapter 447 - Fences. The property owner is seeking Community Council's permission to maintain fence posts in the side yard, north end 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 the 3 fence posts constructed of wood. The posts are 3m in height.

RECOMMENDATIONS

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

1. Refuse the application for property owner of 25 Maxwell St. The proposed fence post 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 has been issued.

FINANCIAL IMPACT

There is no anticipated Financial Impact from this report

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on October 10, 2023, regarding 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 North York Community Council consideration, and, the City Clerk has sent all requisite notifications of the date that North York Community Council will consider the application.

The subject property, 25 Maxwell St, and is located in Ward 6. 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*
Side yard.	Side yard, north side of property.	Height of the fence to exceed the height permitted by the Chapter. Namely, The existing fence posts are 3m.	Chapter 447-1.2B (1) Any other fence; shall not exceed a height of 2 meters.

COMMENTS

On October 10, 2023, property owner at 25 Maxwell St submitted an application for a fence exemption.

The applicant is seeking permission to maintain three fence posts on the north side yard of the property. The three fence posts are constructed of wood. The three fence posts measure 3m in height. The applicant is requesting the exemption so that they can support lights on the three posts as it is more aesthetic and economical than having separate free-standing posts.

*Alternate recommendation is to grant the application for a fence exemption permit (with or without conditions) to the property owners of 25 Maxwell Sd, thereby allowing the current fence posts to be maintained. Direct and require that the existing fence posts be maintained in good repair without alteration. At such time as replacement of the fence posts are required that such installation will comply with Municipal Code Chapter 447, Fences, or its successor by-law.

CONTACT

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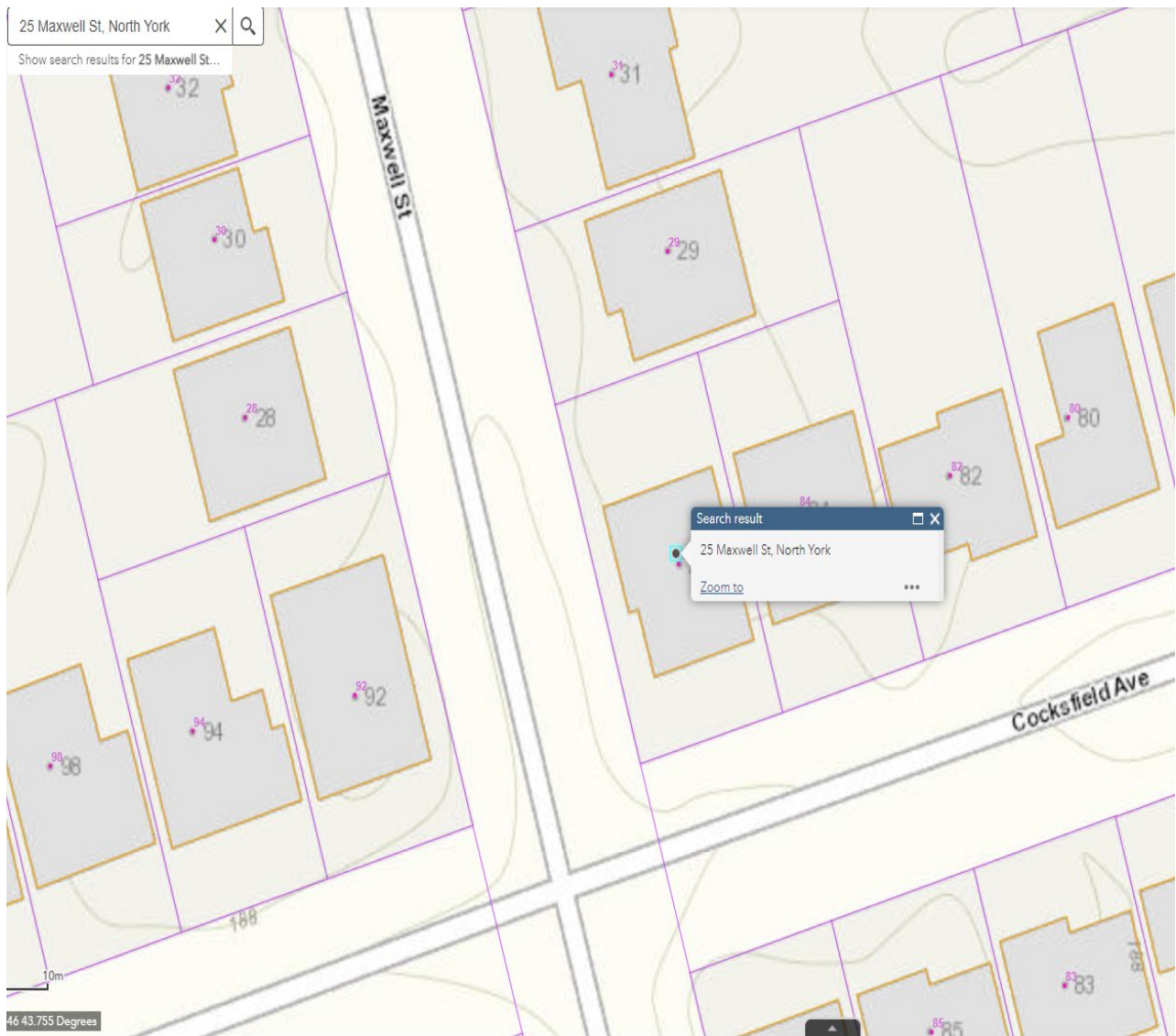
SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment A – GIS MAP
Attachment B – Photos submitted by applicant.
Attachment C – Site Plan

Attachment A - GIS MAP



Attachment B - Photos submitted by applicant.



Photos submitted by applicant.



Attachment C - Site Plan

