

Application for Fence Exemption – 139 Duncairn Road

Date: January 30, 2023

To: North York Community Council

From: Manager Municipal Licensing & Standards, East District

Wards: Ward 16 – Don Valley East

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 consider an application by the owner(s) of 139 DUNCAIRN ROAD to maintain a fence comprised Eastern White Cedar trees in the front yard of the property which is within 2.4 metres in any direction of the point a driveway intersects the lot line and greater than 1.2 Metres in height. This is contrary to what is specified in the Toronto Municipal Code, Chapter 447-1.2C. (1) Open-fence construction required and Section 447 1.2B. (1) Table 1 Item 1 – Fence Height
A Notice of Violation was issued on Jan 17, 2023

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the North York Community Council:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 139 DUNCAIRN ROAD, to allow them to maintain a fence comprised Eastern White Cedar trees in the front yard of the property which is within 2.4 metres in any direction of the point a driveway intersects the lot line and greater than 1.2 Metres in height. This does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically Section 447-1.2C. (1) Open-fence construction required. It also does not comply with Section 447 1.2B. (1) Table 1 Item 1 – Fence Height
2. Grant the application for an exemption permit, by the owner(s) of 139 DUNCAIRN ROAD, to allow them to maintain a fence comprised Eastern White Cedar trees in the front yard of the property which is within 2.4 metres in any direction of the point a driveway intersects the lot line and greater than 1.2 Metres in height. Direct and require that the existing fence be maintained in good repair without alteration. Direct and require that at such time as a replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, Fences or its successor by-law.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

As required by Section 447-1.5(B)(1), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that North York Community Council will consider the application.

COMMENTS

The proposed fence violates Toronto Municipal Code, Chapter 447 – Fences requirements with respect to Open-fence construction required.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	Front Yard – East Side of Property	A Fence within 2.4 metres in any direction of the point a driveway intersects the lot line.	447-1.2C. (1) Open-fence construction required. Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line
Front Yard	Front Yard – East Side of Property	Trees measured at over 5 Feet. Fence in a front yard; and within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane) Exceeds 1.2 Metres	447 1.2B.(1) Table 1 Item 1 Fence in a front yard; and within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane) Exceeds 1.2 M

CONTACT

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Signature

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ATTACHMENTS

Attachment 1: iView Map of Property – 139 DUNCAIRN RD

Attachment 2: 4 Photos of fence Taken by Officer Kandumulla – 139 DUNCAIRN RD

Attachment 3: Drawing of Proposed Fence Location (Submitted by Applicant) –139
DUNCAIRN RD

Attachment 4 – Satellite Image of Property showing property line – 139 Duncairn Road
PURPLE LINE DENOTES PROPERTY LINE

Attachment 5 – City of Toronto Municipal Code Section 447 1.2B.(1) Table 1 Item 1

Attachment 1: iView Map of Property – 139 DUNCAIRN RD



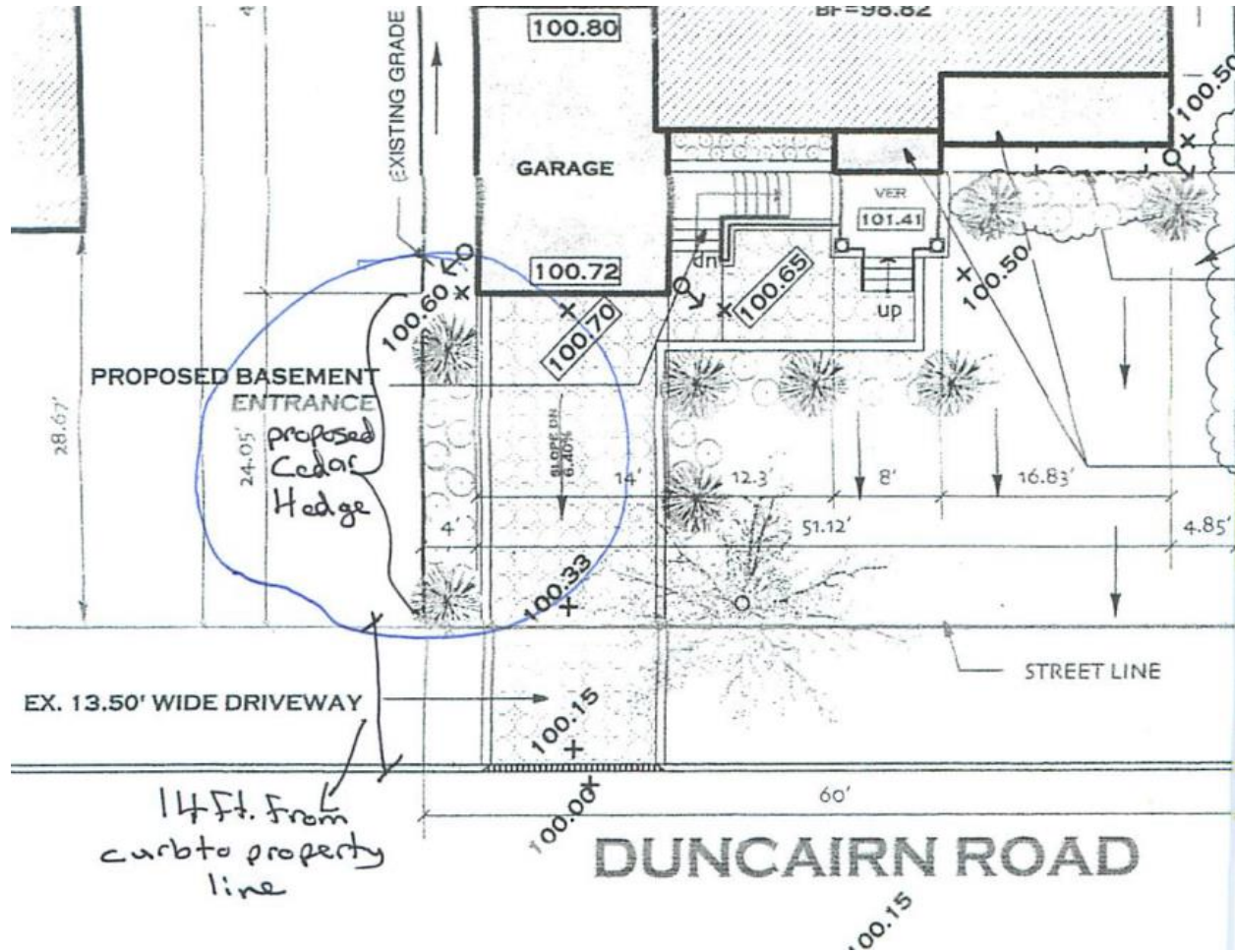
Attachment 2: 4 Photos of fence Taken by Officer Kandumulla – 139 DUNCAIRN RD







**Attachment 3: Drawing of Proposed Fence Location (Submitted by Applicant) –
139 DUNCAIRN RD**



Attachment 4 – Satellite Image of Property showing property line – 139 Duncairn Road

PURPLE LINE DENOTES PROPERTY LINE



Attachment 5 – City of Toronto Municipal Code Section 447 1.2B.(1) Table 1 Item 1

TORONTO MUNICIPAL CODE
CHAPTER 447, FENCES

TABLE 1
MAXIMUM HEIGHT OF FENCES
[Amended 2018-12-13 by By-law 54-2019]

Item	Description of Fence	Fence on single or multiple residential property	Fence on non-residential property	Hedge, shrub or other vegetation that acts as a fence
1.	Fence in a front yard; and within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)	1.2 metres	1.2 metres	1.2 metres