

## **Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 18 Burnaby Blvd**

**Date:** April 16, 2024

**To:** North York Community Council

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

**Wards:** Ward 08 - Eglinton - Lawrence

### **SUMMARY**

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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 18 Burnaby Blvd 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 increase the fence height by 0.61m (2 feet) in the rear east side yard of the property that will not comply with the standards stipulated by section 447-1.2(B)(1). The applicant is seeking permission to add an additional 0.61m (2 feet) to the height of the existing fence which is 1.95m in height and 13.4m in length.

### **RECOMMENDATIONS**

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

1. Refuse the application for property owner of 18 Burnaby Boulevard as the proposed fence would fail to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences.

### **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 writing, on March 2, 2024, 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, 18 Burnaby Blvd, and is located in Ward 8. 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*
Rear yard.	Rear yard, east side of property.	Height of the fence to exceed the height permitted by the Chapter.	Chapter 447-1.2B (1) Any other fence; shall not exceed a height of 2 meters.

## COMMENTS

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On March 2, 2024, property owner at 18 Burnaby Blvd submitted an application for a fence exemption.

The applicant is seeking permission to increase the height of the existing fence in the rear east side yard of the property. The fence is constructed of wood and forms part of their pool enclosure. The existing fence measures 1.95m in height. The applicant is requesting the exemption for privacy and safety around the pool area for her kids and a dog. Aesthetics also play a role as it does look a little off that the west and north fence are high enough but not the east side. Due to the varying grades in the rear yard the fence sections look like they are different heights. When standing by the pool area the fence is under 2m in height which does not allow for privacy.

\*Alternate recommendation is to grant the application for a fence exemption permit (with or without conditions) to the property owners of 18 Burnaby Blvd, thereby allowing the property owners to increase the height of the existing fence by 0.61m (2 feet). Direct and require that the 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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Christina Savella, Supervisor  
Municipal Licensing and Standards  
Investigation Services – West District  
Tel. 647- 333-4023  
Email: Christina.savella@toronto.ca

## **SIGNATURE**

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Joe Magalhaes  
District Manager

## **ATTACHMENTS**

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Attachment A – GIS MAP  
Attachment B – Photos submitted by staff and applicant.  
Attachment C – Site Plan  
Attachment D - Letters from neighbours

# Attachment A - GIS MAP



Attachment B - Photo taken by staff at pool enclosure inspection.



Photo taken by staff at pool enclosure inspection.



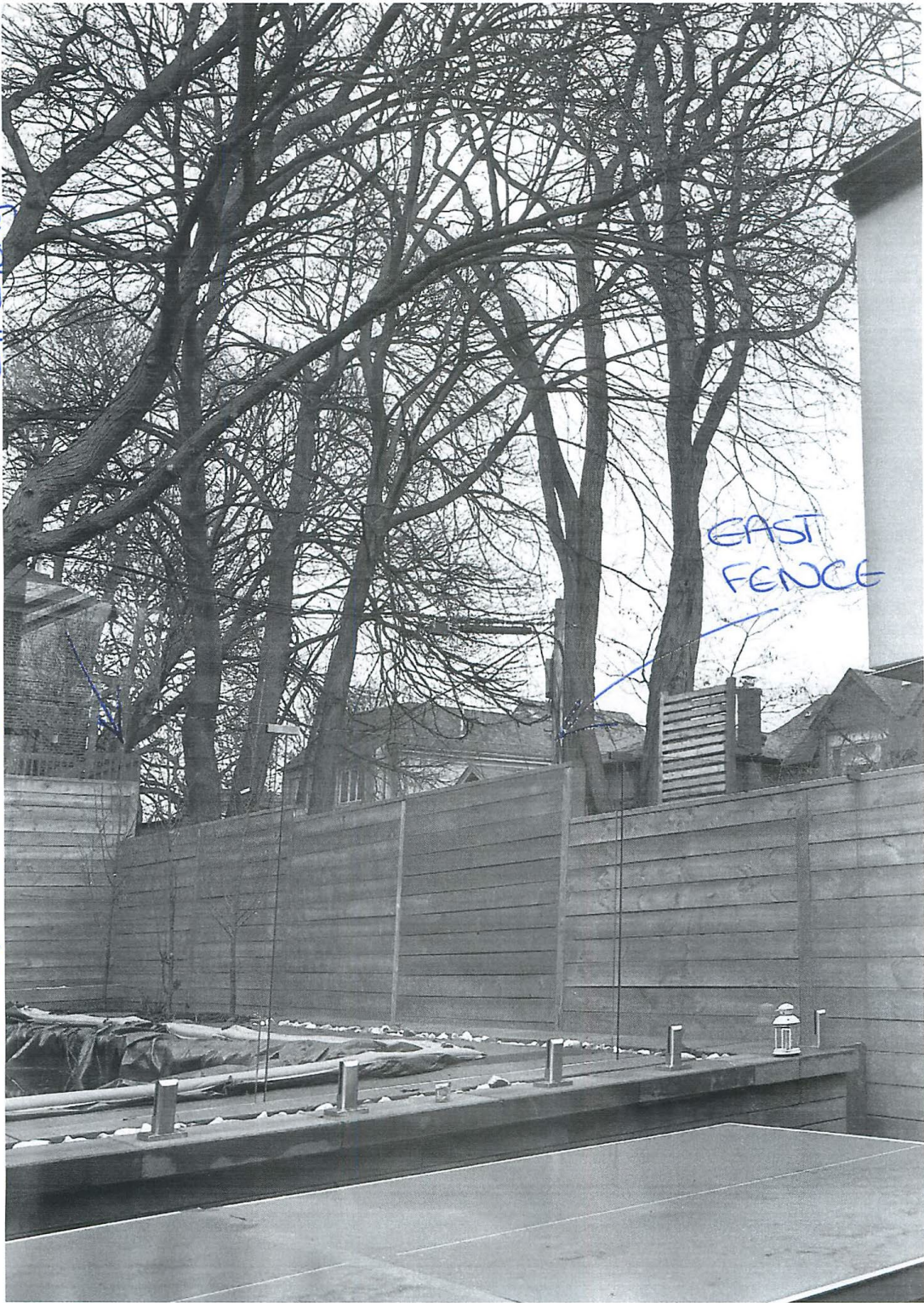
Photo taken by staff at pool enclosure inspection.



Photo taken by applicant.

We would like to level  
3/1/23, 1:28 PM  
Fence, eastern side of rear yard. It from the back corner  
all along

Branksome Hall Mail - Fwd: Request for Assistance and Consideration for Increased Privacy Measures at 18 Burnaby Blvd



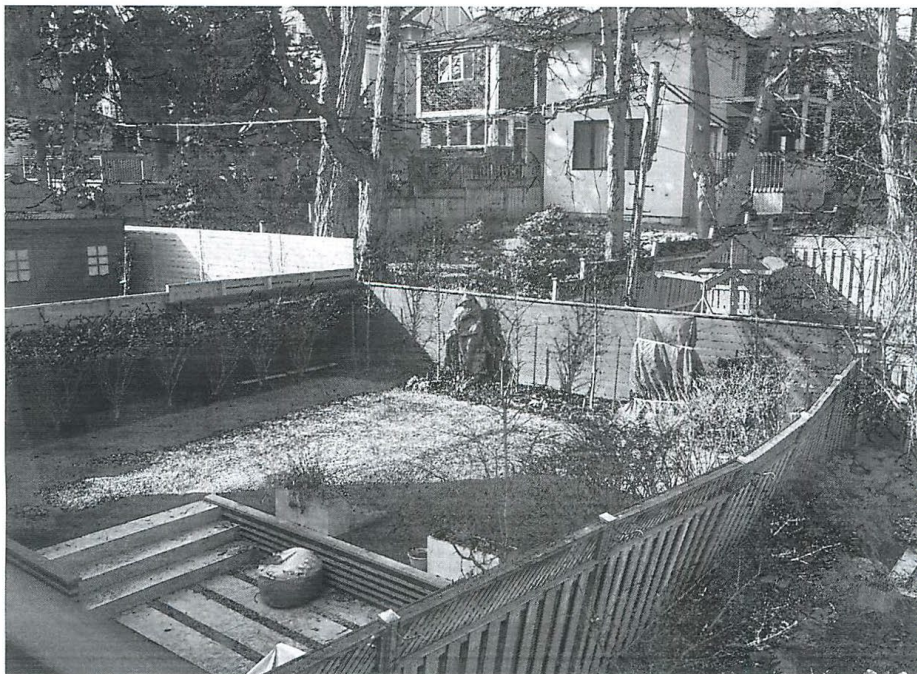
<https://mail.google.com/mail/u/0/?ik=06b0221cf3&view=pt&search=all&permthid=thread-f:1793250595018156790&simpl=msg-f:1793250595018156790>

6/11

Photo taken by applicant.

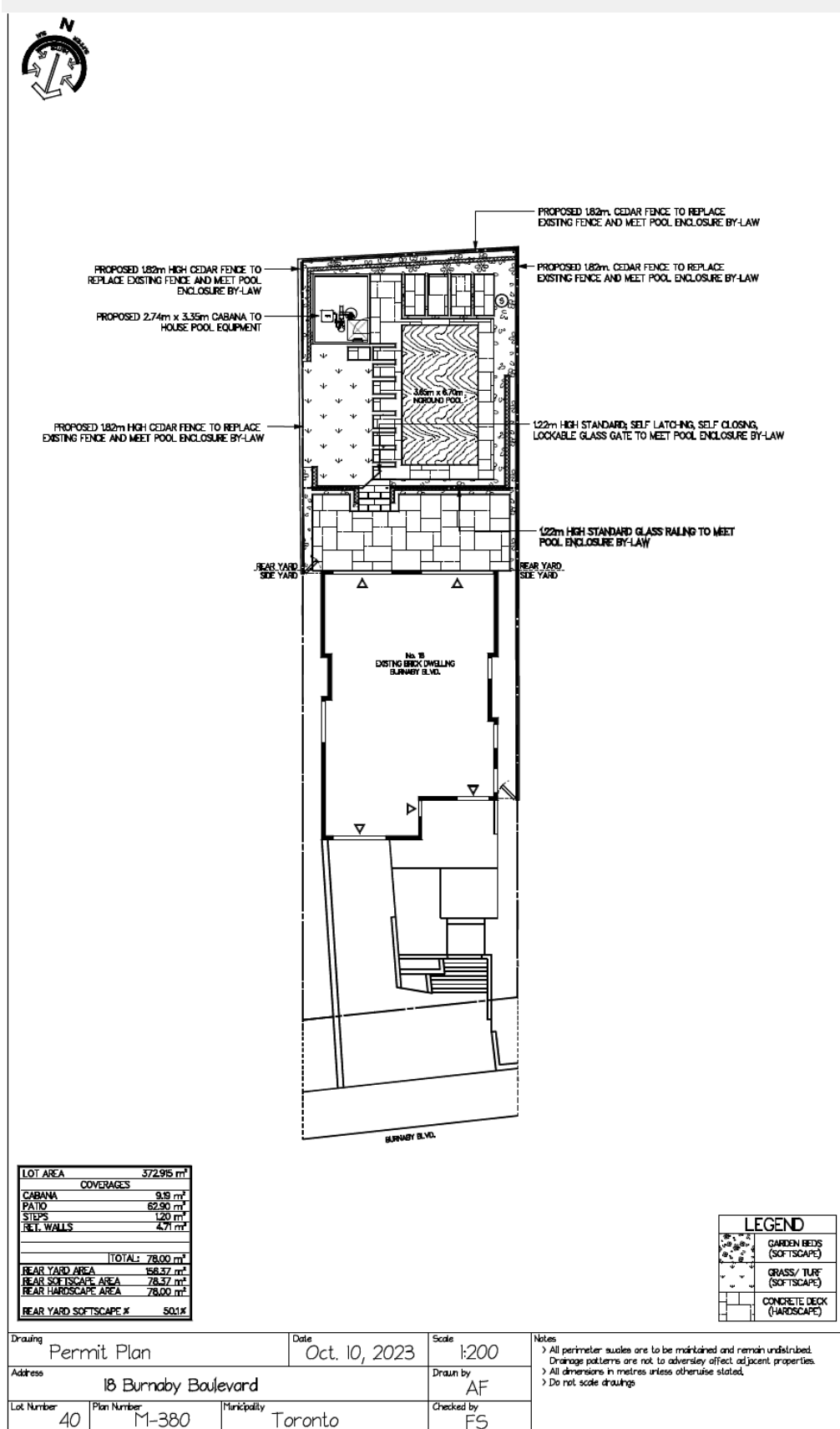


View from neighbors 2 doors down which shows the lack of privacy in our yard. The black shed also has a changing room for kids to use by the pool but has no privacy



our yard

# Attachment C - Site Plan



March 24, 2024

The Morans  
14 Burnaby Blvd.  
Toronto, Ontario  
M4R 1B4

To Whom It May Concern:

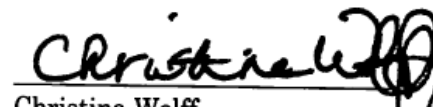
*Re: 18 Burnaby Blvd.*

Dear Sirs/Mesdames:

We are the owners and residents of 14 Burnaby Blvd. We are fully supportive of the owners and residents of 18 Burnaby Blvd. increasing their back yard fence height by a reasonable amount to provide for additional security and privacy.

Thank you.

  
Timothy H. Moran

  
Christina Wolff

March 20, 2024

592 Oriole Parkway  
Toronto, ON  
M4R 2C3

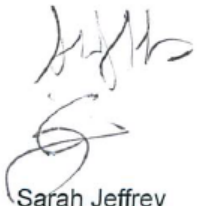
City of Toronto, ML&S District Office  
Central District  
433 Eastern Avenue, Building B, 1st floor  
Toronto, ON  
M4M 1B7

To Whom It May Concern,

We are aware that the owners at 18 Burnaby Blvd are applying for a fence exemption to raise the fence on the east side of their yard by 1 1/2 to 2 feet for privacy.

We understand the request and are supportive of their application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Jeffrey', with a large, stylized flourish below it.

Sarah Jeffrey  
Gabriel Radford  
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647-887-2227  
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