

28 Byng Avenue- Application for Fence Exemption

Date: January 4, 2024

To: Scarborough Community Council

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

Wards: Ward 20, Scarborough Southwest

SUMMARY

This staff report concerns a matter for which the Scarborough 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 28 Byng Avenue to maintain an existing fence in the rear yard. The rear yard fencing has been built at a height that exceeds the permitted height of the bylaw.

Rear yard, west facing fence has been built at a height of 2.4 meters in height x 6.1 meters in width.

Rear yard, north facing fence has been built at a height of 2.9 meters x 3.9 meters in width.

Rear yard, south facing fence has been built at a height of 2.8 meters in height x 3.1 meters in width.

This is contrary to the Toronto Municipal Code, Chapter 447-1.3

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, East District recommends that:

1. Scarborough Community Council refuse to grant the application for an exemption permit, by the owner(s) of 28 Byng Ave for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a second notice to the property owner to bring the fence into compliance.

Financial Impact

There is no financial impact anticipated 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 Scarborough Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Scarborough Community Council will consider the application.

Comments

The existing fence violates Toronto Municipal Code, Chapter 447 – Fences requirements:

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	Rear yard Property Line Fences facing 26 and 30 Byng Avenue (North/South side) & August Avenue (West Side).	Rear yard fencing has been built higher than 2 meters.	Chapter 447 Section 1.5(B)(1) Item 9. MAXIMUM HEIGHT OF FENCES. (2 Meters)

The property owner(s) seek this exemption for privacy and security purposes.

Municipal Licensing and Standards recommends Scarborough Community Council refuse to grant the application for an exemption by the property owner of 28 Byng Avenue. Should Scarborough Community Council grant the application for a fence exemption, the following recommendation may be adopted, in accordance with Municipal Code Chapter 447:

1. Grant the application for a fence exemption by the property owner of 28 Byng Avenue, thereby allowing the existing fence to be maintained. 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

Mark Freemantle, Supervisor
Municipal Licensing & Standards Division
East District
Tel. # 416-392-3076
E-mail: Mark.Freemantle@toronto.ca

SIGNATURE

Jean Paul Nadeau
(Acting)Manager,
Municipal Licensing and
Standards East District
Tel: #416-396-7311
E-Mail: jeanpaul.nadeau@toronto.ca

List the attachments.

Attachment 1: iView Map of Property – 28 Byng Ave - City of Toronto.
Attachment 2: Municipal Standards Officer's Photo – Rear Yard Fence
Attachment 3: Municipal Standards Officer's Photo – North - Side Rear Yard Fence
Attachment 4: Municipal Standards Officer's Photo - South - Side Rear Yard Fence

ATTACHMENTS

Attachment 1: iView Map of Property – 28 Byng Ave



Attachment 2: Municipal Standards Officer's Photo 28 Byng Avenue – Rear Yard



**Attachment 3: Municipal Standards Officer's Photo 28 Byng Avenue – Rear Yard-
North Side Fence**



Attachment 4 Municipal Standards Officer's Photo 28 Byng Avenue –Rear Yard – South Side Fence

