

Request for a Fence Exemption - 137 Collier Street

Date: May 7, 2024
To: Toronto and East York, Community Council
From: District Manager, Municipal Licensing and Standards
Wards: Ward 11 – University / Rosedale

SUMMARY

This staff report concerns a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to advise Council concerning an application by the property owner 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 Council's permission to permit a fibre cement panel cladding fence to remain at the height of 2.12 metre for a length of 9.14 metres, which does not comply with Section 447-1.2.B(1) of the bylaw.

The property owner is seeking relief from the by-law regulations by permitting the continued erection of a fibre cement panel cladding fence to remain at the height of 2.12 metre for a length of 9.14 metres.

Municipal Licensing and Standards Division received a complaint on October 31, 2023; during the investigation the subject property owner submitted a fence exemption on February 2, 2024.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of, for a fence enclosure 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.

OR

2. Grant the application for a fence exemption permit, without conditions, thereby allowing the fence enclosure to be maintained as constructed. Additionally, direct and require that the installation 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, or its successor by-law.

FINANCIAL IMPACT

Financial impact to replace the pre-existing fibre cement cladding fence panels

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on February 2nd 2024, in regards to an existing fence, in accordance with a violation specific to Section 447 1.2.B(1) of Toronto Municipal Code.

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

COMMENTS

The subject property, is located in Ward 11 University / Rosedale . 2 1/2 Story single family dwelling.

Municipal Licensing Standards' investigated the area where the fence is installed; the fence erected does not meet the Bylaws requirement as seen in the table below.

General Location	Specific Location	Deficiency	By-Law Section
Rear Yard	West side of the property	No fence described in the following Table shall, shall exceed the height set out in the Table for the fence	Section 447-1.2.B(1)

CONTACT

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SIGNATURE

Peter Hardisty
District Manager

ATTACHMENTS

Attachment #1: View of rear yard length (9.14 metres)
Attachment #2: Measuring of fence located on 137 Collier Street
Attachment #3: Measurement of fence located on 137 Collier Street



Attachment #1: View of rear yard length (9.14 metres)



Attachment #2: Measuring of fence located on 137 Collier Street



Attachment #3: Measurement of fence located on 137 Collier Street (2.12 metres)