

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 28 Elmbrook Crescent

Date: January 15, 2025

To: Etobicoke York Community Council

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

Wards: Ward 2 Etobicoke Centre

SUMMARY

This staff report concerns a matter for which the Etobicoke 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 28 Elmbrook Crescent 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 Community Council's permission to maintain a wood fence on the Southwest side of the property measuring approximately 2.45 meters in height and 2.51 metres in length. A Notice of Violation was issued on October 16, 2024, relating to the fence height on the southwest side of the property.

RECOMMENDATIONS

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

Refuse to grant the application for exemption by the property owner of 28 Elmbrook Crescent because the fence 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 anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing on October 25, 2024.

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

The subject property, 28 Elmbrook Crescent is located in Ward 2. The property is a detached residential home.

See the table below for the dimensions of the fence to be maintained and increase in height.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Southwest Side of Property	Side Yard	Maintain existing fence measuring 2.45 Meters in height.	Chapter 447-1.2 B(1) Fence not in the front yard and not within 2.4 metres of a public highway exceeds 2.0 metres in height.

COMMENTS

On October 25, 2024, the property owner at 28 Elmbrook Cres. submitted an application for a fence exemption.

The applicant is seeking permission to maintain a wood fence on the southwest side of the property measuring 2.45 meters in height. The applicant is requesting this exemption for privacy, security, and safety reasons as well as to prevent her dog from escaping from the yard.

*Alternate recommendation is to grant the application for a fence exemption permit (with or without conditions) to the property owner of 28 Elmbrook Cres., thereby allowing the property owner to maintain a wood fence on the southwest side of the property which currently measures approximately 2.45 metres in height and 2.51 metres in length. At such time when a replacement of the fence is required, the 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 – I-View Map of Property – 28 Elmbrook Crescent
- Attachment B – Photo showing location of Fence on southwest side of property.
- Attachment C – Photo showing location of Fence on southwest side of property.
- Attachment D – Photo showing the height of the fence.
- Attachment E – Photo showing the length of the fence.

Attachment A: iView Map of property – 23 Bradbury Cres.

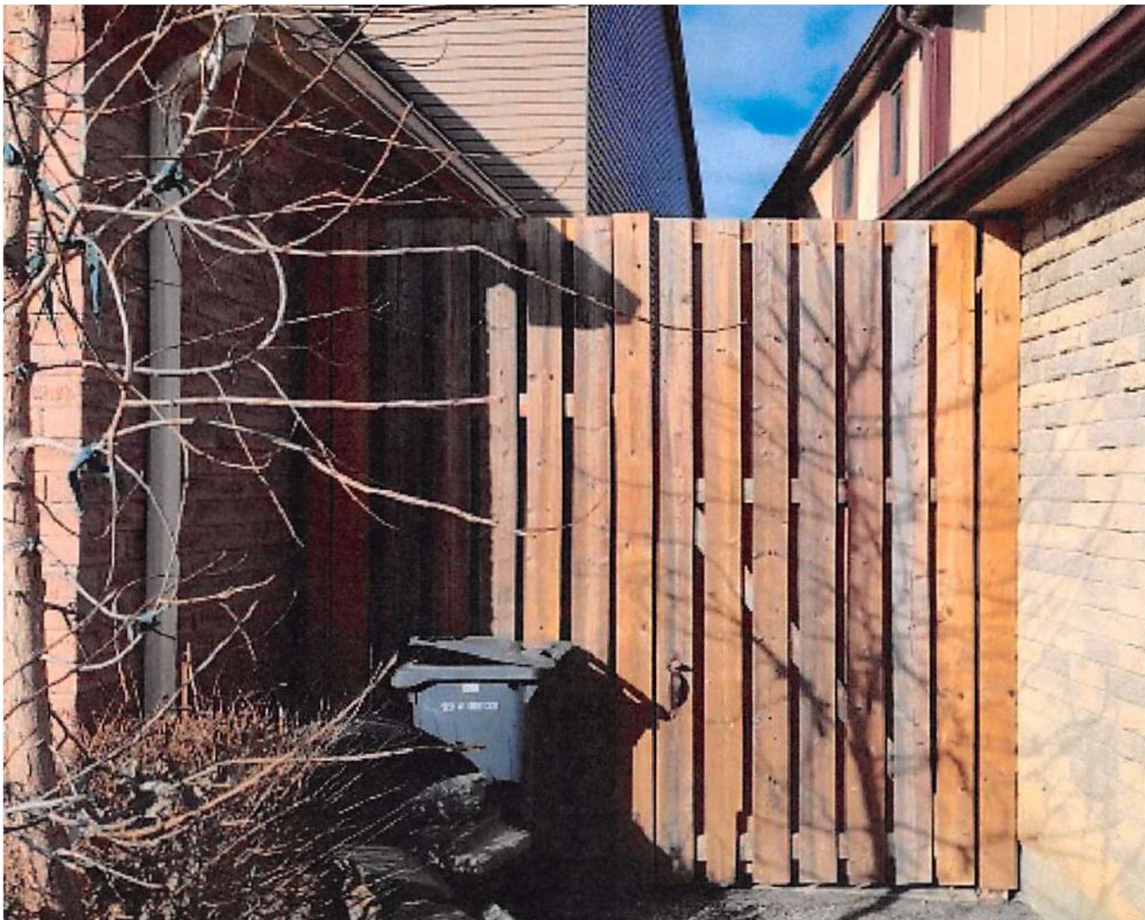


Fence Exemption Request – 28 Elmbrook Cres.

Attachment B – Photo showing location of fence on southwest side of property



Attachment C – Photo showing fence located on the southwest corner of property.



Attachment D – Photo showing the height of the fence.



Attachment E – Photo showing the length of the fence.

