

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 78 Burncrest Drive

Date: May 5, 2025

To: North York Community Council

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

Wards: Ward 08 – Eglinton-Lawrence

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 inform Community Council of an application submitted by the property owner of 78 Burncrest Drive for a site-specific fence exemption under Section 447-1.5(B) of the Toronto Municipal Code, Chapter 447 – Fences.

The property owner is requesting permission to construct the following:

1. A rear-yard fence constructed of pressure-treated wood, extending the full width of the rear property line. The proposed fence would have a total height of 3.66 metres, consisting of a 3.05-metre solid wood base topped with 0.61 metres of decorative lattice.

This proposal does not comply with the maximum height limitations of 2m set out in Section 447-1.2(B)(1) of the Municipal Code.

RECOMMENDATIONS

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

1. Refuse the application for a fence exemption for the property owner of 78 Burncrest Drive, as the proposed fence would fail to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences.

FINANCIAL IMPACT

There is no anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on April 30, 2025, regarding a fence exemption application for a proposed 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, 78 Burncrest Drive, is 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	North side of the rear yard.	Height of the proposed fence does not comply with the Chapter. Namely, the proposed fence will be 3.66m.	Chapter 447-1.2 B (1) No fence described in the following Table shall, when measured at any point along its length from the average grade level measured perpendicular to and one meter away on either side of the fence, exceed the height set out in the Table for the fence. Namely, should not exceed 2m in height.

COMMENTS

On April 30, 2025, property owner at 78 Burncrest Drive submitted an application for a fence exemption.

The applicant is seeking approval to construct a 3.66-metre-high fence along the north side of the rear yard. This request for exemption is based on the property being on a corner lot, with the rear yard directly abutting Wilson Avenue. Notably, Wilson Avenue runs adjacent to Highway 401 without any intervening buffer, contributing to elevated noise levels. In addition, the rear of the property is in close proximity to an apartment building parking lot, a garbage storage area, and a clothing donation drop box—factors that contribute to noise, litter, and loitering concerns.

*Alternate recommendation is to grant the application for a fence exemption permit (with or without conditions) to the property owners of 78 Burncrest Drive, thereby allowing the current enclosure to be maintained. Direct and require that the existing enclosure be maintained in good repair without alteration. At such time as replacement of the enclosure is required that such installation will comply with Municipal Code Chapter 447, Fences, or its successor by-law.

CONTACT

Christina Savella, Supervisor
Municipal Licensing and Standards
Investigation Services – West District
Tel. 647-333-4023
Email: Christina.savella@toronto.ca

SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment A – GIS MAP
Attachment B – Photos taken by Applicant
Attachment C – Site Plan

Attachment A
GIS MAP



Attachment B

Photos – taken by applicant







