

365 Spadina Ave. – Application for Fence Exemption

Date: April 10, 2025
To: Toronto and East York Community Council
From: District Manager, Municipal Licensing and Standards, Central District
Wards: Ward 11 – University-Rosedale

SUMMARY

The Applicant for 365 Spadina Ave. has requested Toronto and East York Community Council to exempt their property from the following by-law requirements:

City of Toronto Municipal Code Chapter 447-1.2B(1)

B. Fence height.

- (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.*

The Applicant for 365 Spadina Ave. is requesting an exemption for their;

- Proposed fence to be constructed along the north and south edge of the rooftop deck of the building. Fence posts are presently erected.
- On the south side of the property, four fence posts have a height of 3.66 metres and the proposed length of the fence is 5.8 metres. On the north side of the property, eight fence posts have a height of 2.6 metres, and the proposed length of the fence is 17.23 metres.
- To be constructed with wood.
- Maximum height permitted is 2.0 metres

Municipal Licensing and Standards Division has inspected the subject property and noted the violations that would be contrary to City of Toronto Municipal Code Chapter 447-1.2B(1)

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, Central District recommends that Toronto and East York Community Council pursuant to City of Toronto Municipal Code Fences Chapter 447-1.5 B:

1. Refuse to grant an exemption to Chapter 447, Fences, to the property owner of 365 Spadina Ave, for the proposed fence described in the Summary of this report.

FINANCIAL IMPACT

There is no financial impact to the City of Toronto.

DECISION HISTORY

There are no previous Fence Exemption decisions for this property, 365 Spadina Ave.

COMMENTS

Municipal Licensing and Standards Inspection Results:

The fence exemption application is a proposed fence and has not been constructed and inspected by Municipal Licensing and Standards.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT*
Roof	Rooftop Deck	Fence on an unroofed deck; and not in a front yard; and not within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)	Chapter 447-1.2B(1): A fence must not be more than 2 metres in height

City of Toronto Municipal Code, Chapter 447 Fences Bylaw set out the requirements in respect to the health, safety and well-being of persons in the City of Toronto regarding structures, including fences. Among other requirements, Chapter 447 sets out requirements for maximum fence heights depending on where the fence is located on the property, as well as if the fence is on a residential or non-residential property. There are also specific height maximums for hedges, shrubs and other vegetation that acts as a fence.

Item	Description of Fence	Fence on Single or Multiple residential property	Fence on non-residential property	Hedge, shrub, or other vegetation that acts as fence
1	Fence in a front yard; and within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)	1.2 metres	1.2 metres	1.2 metres
2	Fence in a front yard; and not within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)	2.0 metres	2.0 metres	No maximum
3	Fence not in a front yard; and within 2.4 metres of a side lot line abutting a public highway (public highway does not include a public lane); and within 2.4 metres of a driveway	2.0 metres	2.0 metres	2.0 metres
4	Fence not in a front yard; and between 2.4 metres from a side lot line abutting a public highway (public highway does not include a public lane) and the nearest wall of the main building extended to the rear lot line; and within 2.4 metres of a driveway	2.0 metres	2.5 metres	No maximum
5	Fence on an unroofed deck; and not in a front yard; and not within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)	2.0 metres	2.0 metres	No maximum
6	Fence not in a front yard that also is not a fence under Items 3, 4 or 5 of this Table; and abutting a multiresidential property, a non-residential property, a public highway or a public walkway	2.5 metres	2.5 metres	No maximum
7	Fence abutting a rapid transit right of way	2.5 metres	No maximum	No maximum
8	Fence for a tennis court, a baseball diamond or other recreational facility	3.0 metres	No maximum	No maximum
9	Any other fence	2.0 metres	2.5 metres	No maximum

City Council Decisions

May 22, 23, & 24 2018, City Council adopted the following:

1. City Council amend Chapter 447, Fences, to allow fences that are located in a front yard between two private properties to be a maximum of 2.0 metres in height and specify that this does not apply to fences within a 2.4 metre distance from a front lot line.
2. City Council amend Chapter 447, Fences, to remove maximum height requirements for any hedge, shrub, or other vegetation that acts as a fence, except when the hedge, shrub, or vegetation is within a 2.4 metre distance from a lot line abutting a public highway, other than a public lane

CONTACT

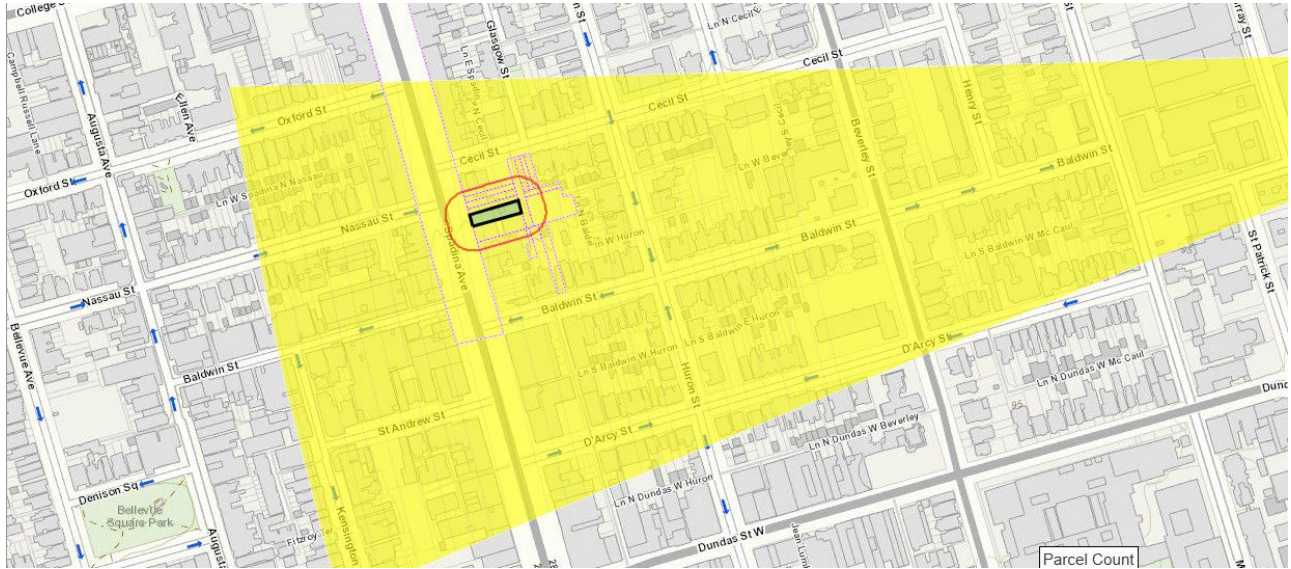
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SIGNATURE

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District Manager, Municipal Licensing and Standards, Central District

ATTACHMENTS

- Attachment 1: Geospatial Information System (GIS) – 365 Spadina Ave. - City of Toronto.
- Attachment 2: iView Map of Property with satellite image – 365 Spadina Ave. - City of Toronto.
- Attachment 3: Photograph taken from Spadina Ave median of 365 Spadina Ave.
- Attachment 4: Fence posts on the south side of the building looking south, height of posts is 3.66m, measured from the floor to the top of post.
- Attachment 5: Fence post on the south side of the building looking south, height of post is 3.66m, measured from the floor to the top of post.
- Attachment 6: Fence posts on the north side of the building looking north, height of posts is 2.97m and 2.6m, measured from the top of post to the floor.
- Attachment 7: Fence posts on the north side of the building looking northeast, height of posts pictured is 2.6m, measured from the top of post to the floor.
- Attachment 8: Fence post on the north side of the building looking north, height of post is 2.6m, measured from the top of post to the floor.
- Attachment 9: Fence post on the north side of the building, height of post is 2.6m, measured from the top of post to the floor.



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Attachment 2: iView Map of Property with satellite image – 365 Spadina Ave. - City of Toronto.



Attachment 3: Photograph taken from Spadina Ave median of 365 Spadina Ave.



Attachment 4: Fence posts on the south side of the building looking south, height of posts is 3.66m, measured from the floor to the top of post.



Attachment 5: Fence post on the south side of the building looking south, height of post is 3.66m, measured from the floor to the top of post.



Attachment 6: Fence posts on the north side of the building looking north, height of posts is 2.97m and 2.6m, measured from the top of post to the floor.



Attachment 7: Fence posts on the north side of the building looking northeast, height of posts pictured is 2.6m, measured from the top of post to the floor.



Attachment 8: Fence post on the north side of the building looking north, height of post is 2.6m, measured from the top of post to the floor.



Attachment 9: Fence post on the north side of the building, height of post is 2.6m, measured from the top of post to the floor.