

## **756 Windermere Ave - Application for Fence Exemption**

**Date:** May 15, 2025  
**To:** Toronto and East York Community Council  
**From:** South District Manager, Municipal Licensing and Standards  
**Ward:** 4 – Parkdale-High Park

### **SUMMARY**

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The Applicant for 756 Windermere Ave. 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 756 Windermere Ave. is requesting an exemption for their;

- Proposed fence to be constructed along the south, side lot line of the rear yard.
- The proposed fence includes one section measuring 9.0 metres in length and 3.04 metres in height, and a second section measuring 2.64 metres in length and 2.44 metres in height.
- The 3.04-metre-high section will include an opening to provide a safe means of egress, in case of fire, through a window of the Laneway Suite located on the property of 754 Windermere Ave. This window is located approximately 2 inches from the proposed fence line.
- The fence is proposed to be constructed with wood.
- The maximum height permitted under the bylaw is 2.0 meters.

Municipal Licensing and Standards Division has inspected the subject property and identified elements of the proposed fence that do not comply with City of Toronto Municipal Code Chapter 447-1.2B(1).

## RECOMMENDATIONS

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The South District Manager, Municipal Licensing and Standards 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 756 Windermere Ave, for the proposed fence described in the Summary of this report.

## FINANCIAL IMPACT

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There is no financial impact to the City of Toronto.

## DECISION HISTORY

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There are no previous Fence Exemption decisions for this property, 756 Windermere Ave.

## COMMENTS

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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*
Rear yard	South, side lot line of the rear yard.	Fence in the rear yard on a single residential property.  Table (Item 9): Any other fence	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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Edward Maloney, A/Supervisor  
Municipal Licensing & Standards  
Toronto and East York District  
Tel. (647) 463-2721  
E-mail: [edward.maloney@toronto.ca](mailto:edward.maloney@toronto.ca)

## SIGNATURE

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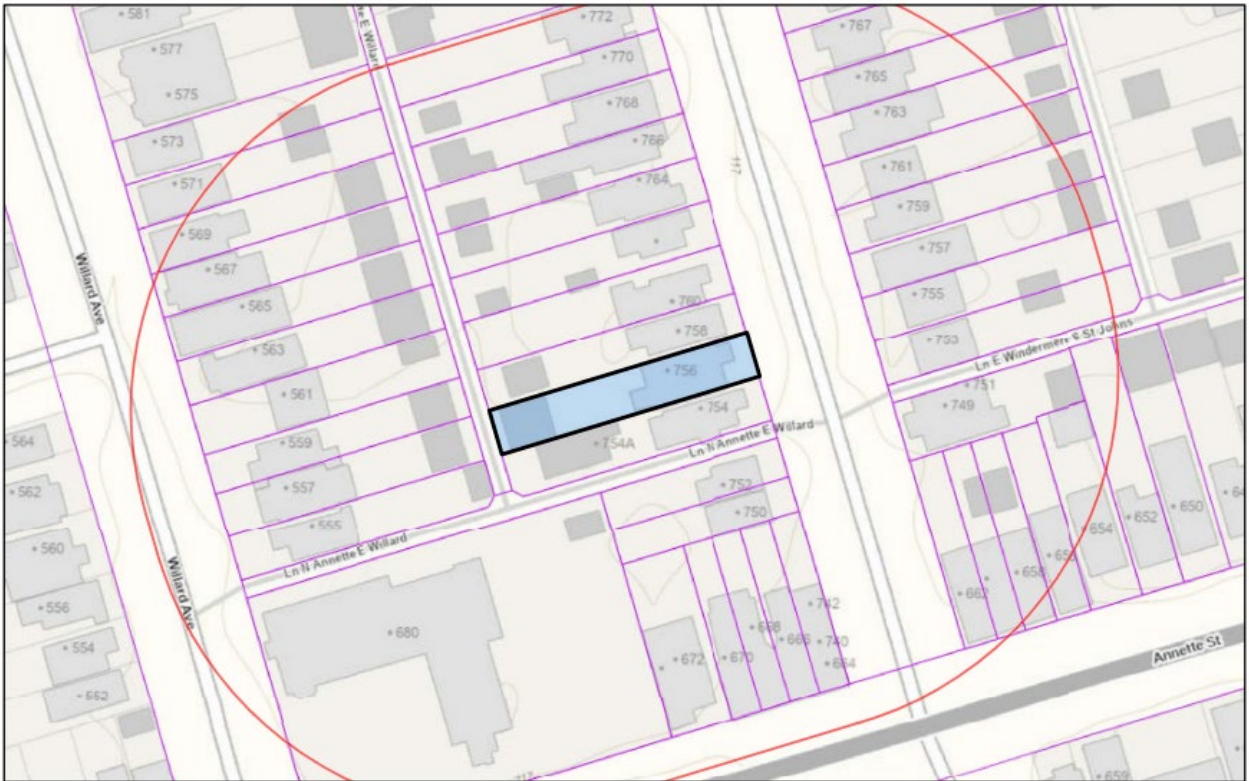


Cameron Culver  
South District Manager, Municipal Licensing and Standards

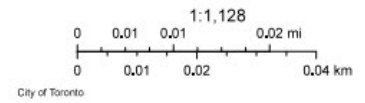
## **ATTACHMENTS**

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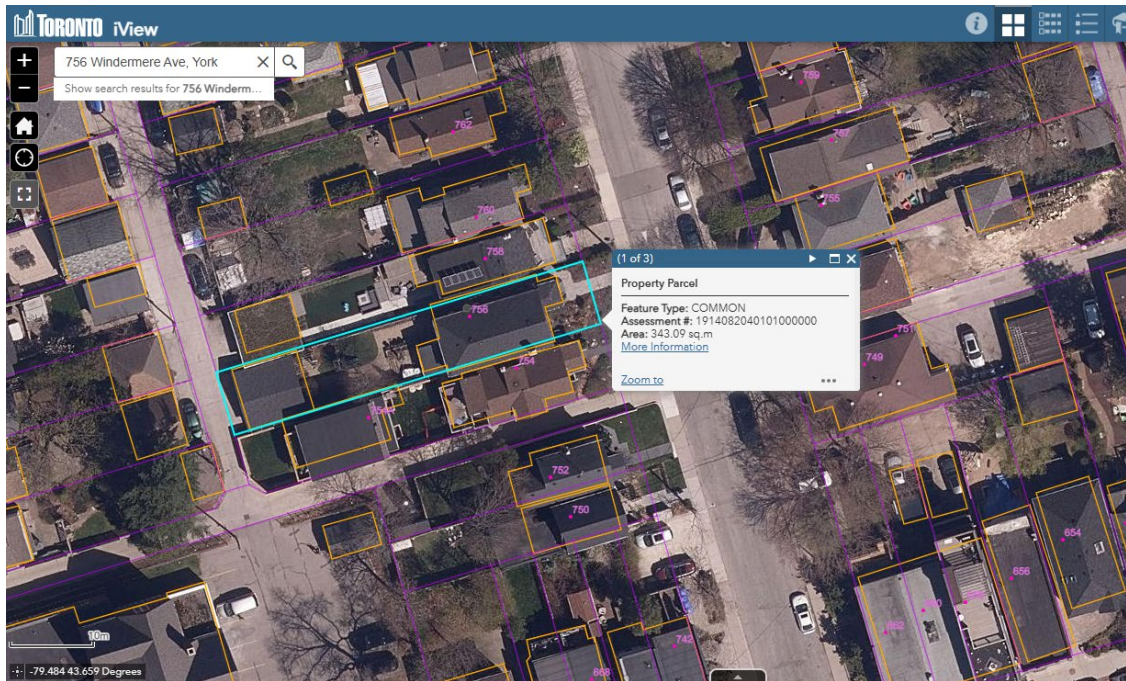
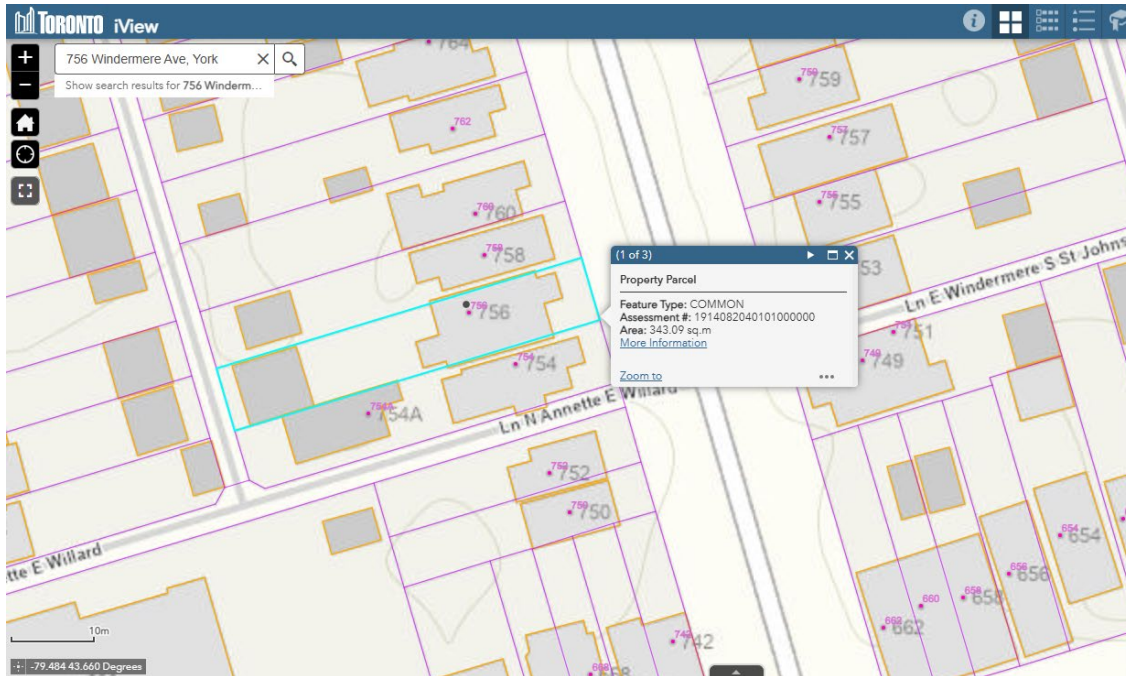
- Attachment 1: Geospatial Information System (GIS) – 756 Windermere Ave. – City of Toronto.
- Attachment 2: iView Map of Property with satellite image – 756 Windermere Ave. - City of Toronto.
- Attachment 3: iView Map depicting rear yard of Property with satellite image – 756 Windermere Ave. - City of Toronto.
- Attachment 4: Photograph of the front of property, 756 Windermere Ave. Photograph taken from Windermere Ave.
- Attachment 5: Photograph depicting rear yard of 756 Windermere Ave. Fence is proposed to be erected on the south side of the property (left side in the photograph).
- Attachment 6: Photograph depicting rear yard of 756 Windermere Ave. Fence is proposed to be erected on the south side of the property (right side in the photograph above).
- Attachment 7: Photograph depicting height measurement of 3.04 meters from grade to the top of the proposed fence. Maximum height is **2 meters**.
- Attachment 8: Photograph depicting height measurement of 3.04 meters from grade to the top of the proposed fence. Maximum height is **2 meters**.
- Attachment 9: Photograph depicting height measurement of 2.44 meters from grade to the top of the proposed fence. Maximum height is **2 meters**.
- Attachment 10: Photograph depicting height measurement of 2.44 meters from grade to the top of the proposed fence. Maximum height is **2 meters**.
- Attachment 11: Fence Exemption Application for 756 Windermere Ave. provided by the Applicant.
- Attachment 12: Fence Exemption Application for 756 Windermere Ave. provided by the Applicant.
- Attachment 13: Fence Exemption Application for 756 Windermere Ave. provided by the Applicant.
- Attachment 14: Site Plan for 756 Windermere Ave. provided by the Applicant.
- Attachment 15: Front Elevation for 756 Windermere Ave. provided by the Applicant.
- Attachment 16: Section details for 756 Windermere Ave. provided by the Applicant.



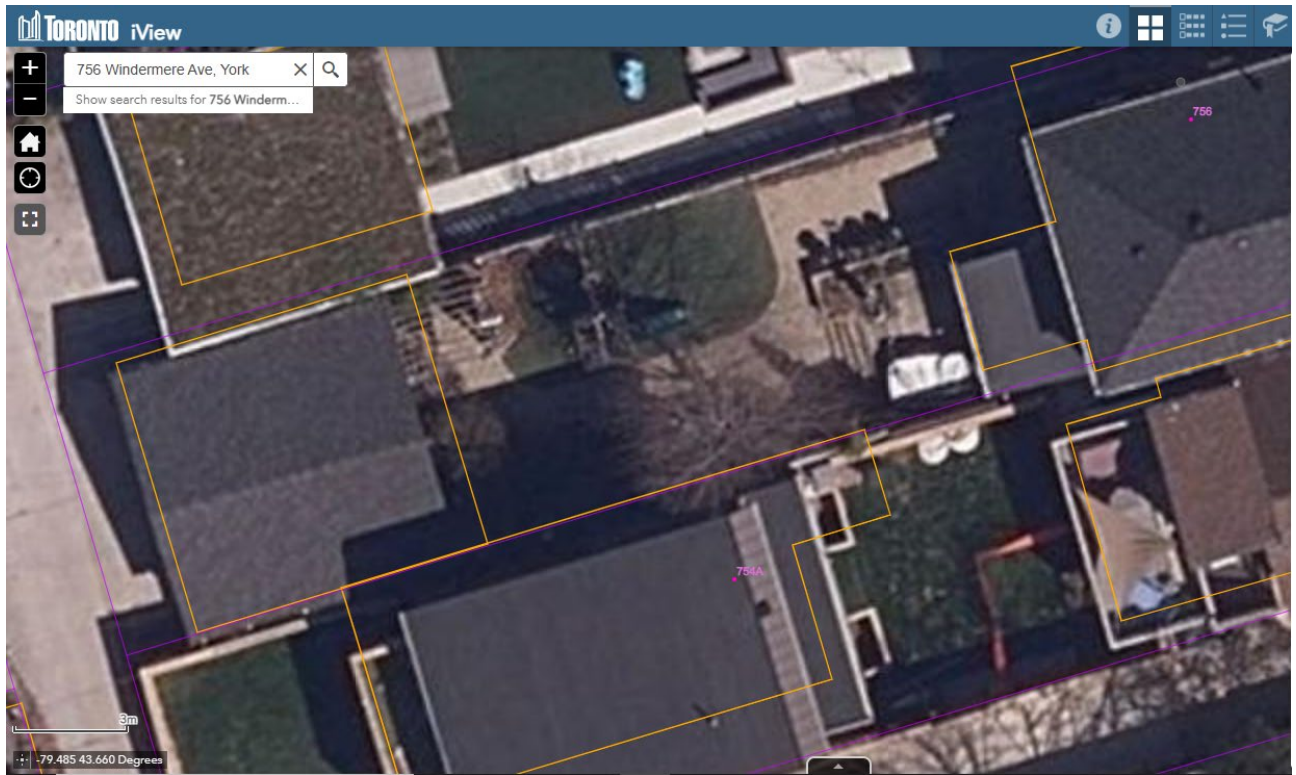
May 14, 2025



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Attachment 2: iView Map of Property with satellite image – 756 Windermere Ave. - City of Toronto.



Attachment 3: iView Map depicting rear yard of Property with satellite image – 756 Windermere Ave. - City of Toronto.



Attachment 4: Photograph of the front of property, 756 Windermere Ave. Photograph taken from Windermere Ave.



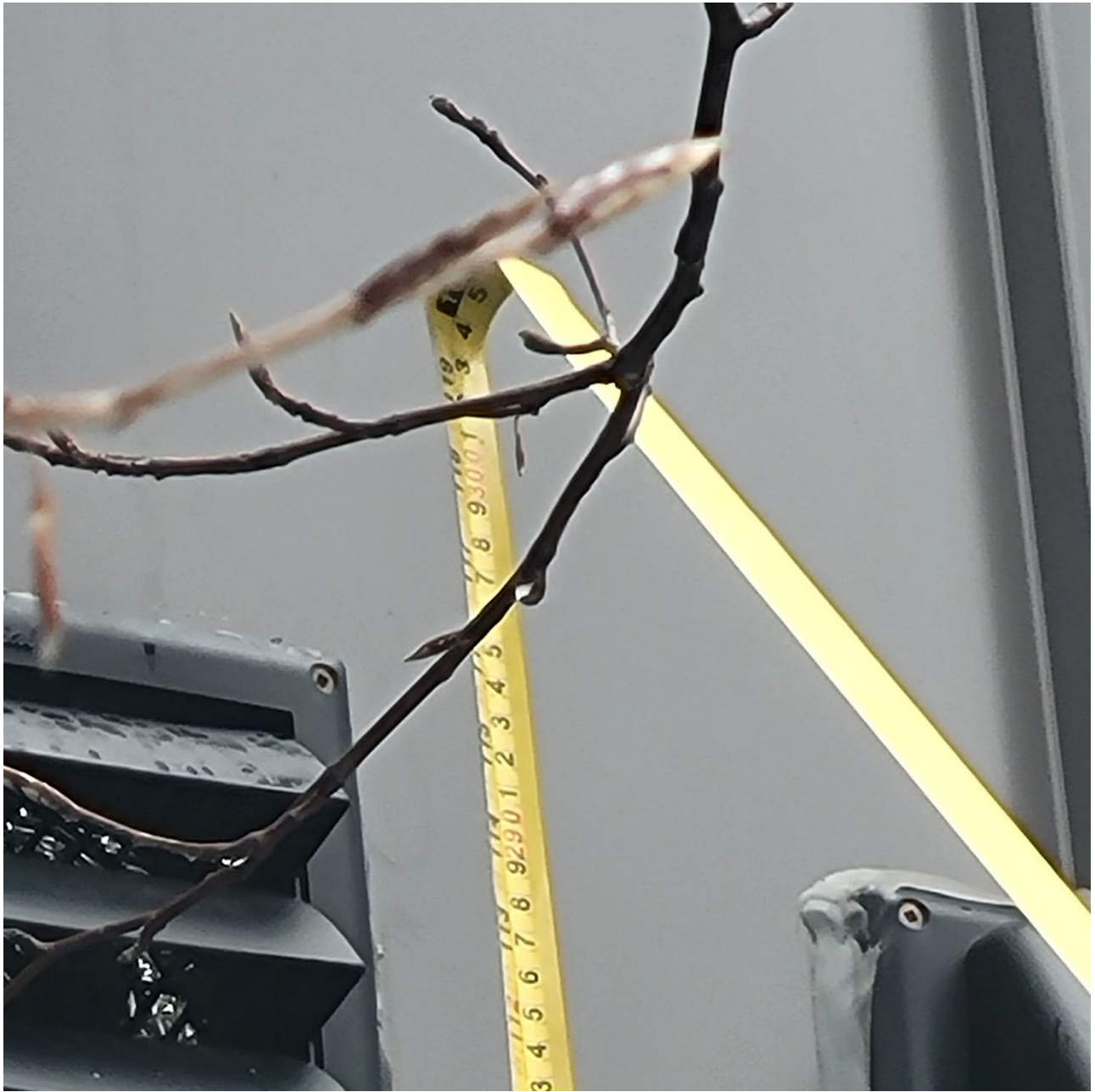
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Attachment 6: Photograph depicting rear yard of 756 Windermere Ave. Fence is proposed to be erected on the south side of the property (right side in the photograph above).



Attachment 7: Photograph depicting height measurement of 3.04 meters from grade to the top of the proposed fence. Maximum height is **2 meters**.



Attachment 8: Photograph depicting height measurement of 3.04 meters from grade to the top of the proposed fence. Maximum height is **2 meters**.



Attachment 9: Photograph depicting height measurement of 2.44 meters from grade to the top of the proposed fence. Maximum height is **2 meters**.



Attachment 10: Photograph depicting height measurement of 2.44 meters from grade to the top of the proposed fence. Maximum height is **2 meters**.

Application Form  
**Fence Exemption**

This exemption application relates to a current Pool Fence Enclosure Permit application

**Applicant Information (Property Owner)**

First Name <i>KHALID</i>	Last Name <i>MOHAMMED</i>
[REDACTED]	
City/Town <i>TORONTO</i>	[REDACTED]
[REDACTED]	Email

If you are applying on behalf of the property owner, please provide your contact information below.

**Agent Contact Information (if applicable)**

Business Name		
First Name		Last Name
Street Number	Street Name	Suite/Unit Number
City/Town	Province	Postal Code
Business Telephone Number	Business Mobile Number	Business Email

**Fence Information**

Is the fence located on property where an active building permit is in place?	yes <input type="radio"/> no <input checked="" type="radio"/>
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Attachment 11: Fence Exemption Application for 756 Windermere Ave. provided by the Applicant.

Application Form  
**Fence Exemption**

Fence Location (Description should include, east side, rear yard, flankage yard et cetera).

[REDACTED]

Type of Fence (Describe materials used/to be used. Examples include wood, chain link, wrought iron, masonry, et cetera).

- WOOD SLATS AND WOOD POSTS

Reason for request (Examples include privacy, security, safety, aesthetics).

- PLEASE SEE ATTACHED LETTER FOR MORE DETAILS  
- PRIVACY, SECURITY, AESTHETICS

List the dimensions below, including height, depth of the columns and length of each section.

HEIGHT - FIVE SECTIONS @ 10 FEET, 1 SECTION @ 8 FEET } AS PER  
COLUMNS 4' 3" DEEP } SITE PLAN  
SECTIONS - 2 @ 8 FEET, 3 @ 6 FEET, 1 @ 3' 9.5"

**Additional Information**

Have you received a Notice of Violation under the Fence Bylaw?    yes    no

If yes, please provide the Notice number:

[REDACTED]

**Authorized Signature**

I affirm that all the information is true and complete and that I understand and accept all conditions.

Applicant Signature

[REDACTED]

Date (yyyy-mm-dd)

2024/04/19

This Notice of Collection statement applies only to property owner information.  
Municipal Licensing and Standards collects personal information on this form under the legal authority of the City of Toronto Act, S.O. 2006, Chapter 11, Schedule A, s. 136 (c) and City of Toronto Municipal Code, Chapter 447, Fences. The information is used to determine eligibility for a fence exemption and for further communication regarding the

Attachment 12: Fence Exemption Application for 756 Windermere Ave. provided by the Applicant.

April 2024

To Whom It May Concern;

My name is Khaleel Mohammed. My family and I live at 756 Windermere Avenue, in Toronto.

I am writing this letter to outline the reasons for the request for a fence exemption.

In 2022, our neighbours at 754 Windermere demolished their single storey coach house, which existed on the back half of the property, adjacent to our backyard and garage, and built a two-storey laneway house.

The new house is less than 4 inches from our property line, and is a height of more than 20 feet. The north wall of the house stretches more than 35 feet in length along our property line and backyard.

Before the build started, we had a 35 foot fence (which we'd installed in 2002, years before the current owners bought the property) that ran between our two houses. They needed to remove this fence in order to build their house. Once they removed the fence and their dig began, our landscaping suffered severe erosion and we lost two 14-foot cedars as a result. Last summer, the cedars were replaced and all that remains now to be done is the fence that was removed.

Once the house was built we realized that all the HVAC vents were placed towards our property – you can see from the photos I've included in this package the multitude of intake and outlet vents facing our yard. They include the laundry exhaust, and the toilet exhaust. Unpleasant odours emanate from those vents and the exhaust from the dryer blows directly onto our property.

During the construction of the house, the neighbour needed access to our yard in order to side the wall facing our property. We agreed to allow him to do the work and in exchange he agreed to consent to the 10' fence being built on the property line – like the one that had been removed.

As you can see in the photos, the wall facing our side of the property is over 20 feet high. We want to build the fence to help cover the HVAC facing our property and to delineate our space from theirs. We also want the fence to help us re-establish the tranquility and privacy of our backyard that was destroyed by the laneway house.

The neighbours have written a letter of support for this fence, which I have included in this package as well as the architectural drawings we had commissioned for this permit.

I hope this note offers a reasonable explanation for our request.

Please feel free to reach out to us if you need further information.

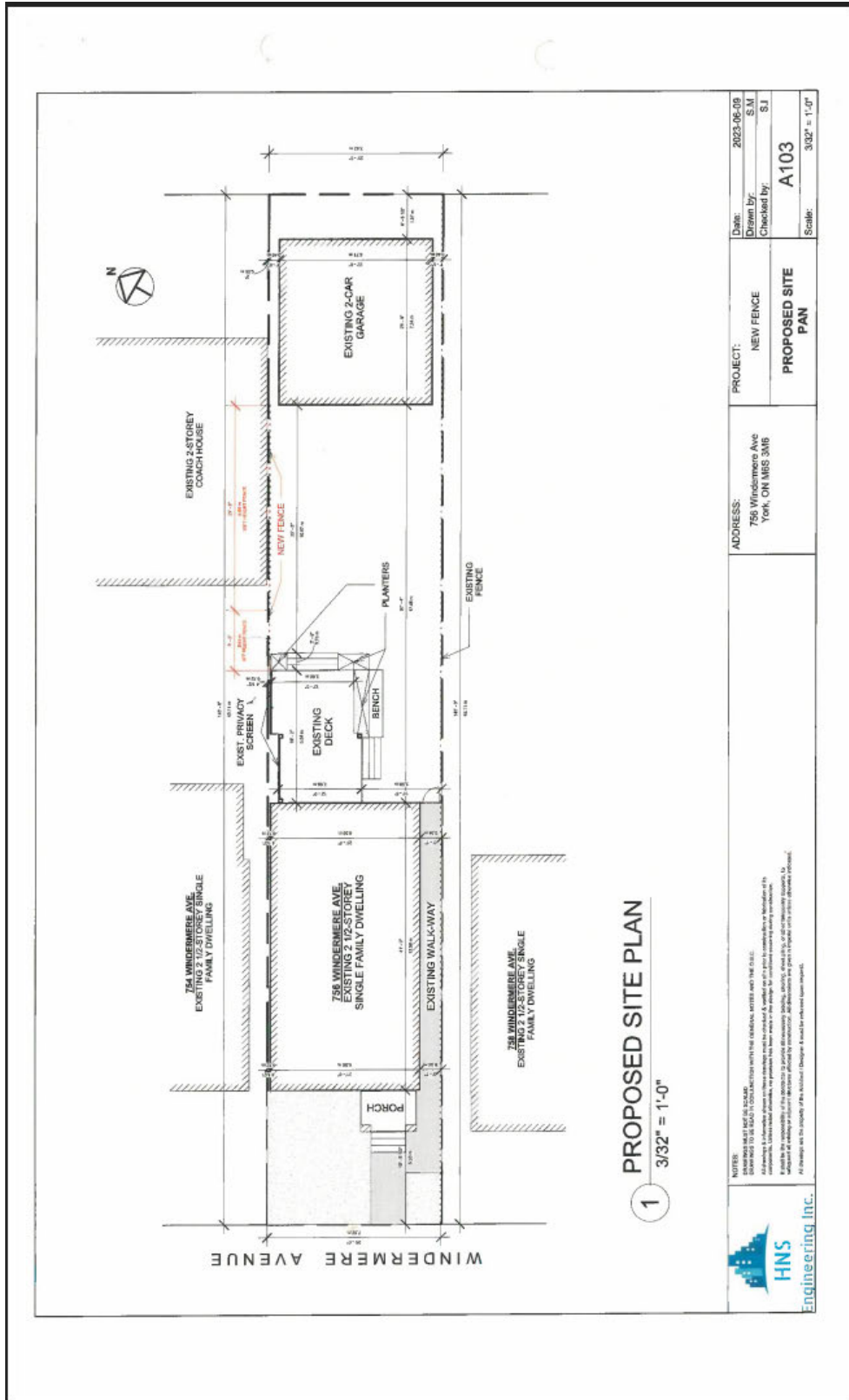
Sincerely,

[Redacted Signature]

Khaleel Mohammed and Donna Maiato

[Redacted Address]

Attachment 13: Fence Exemption Application for 756 Windermere Ave. provided by the Applicant.



Date:	2023-06-09
Drawn by:	S.M.
Checked by:	S.J.
Project:	NEW FENCE
Address:	756 Windermere Ave York, ON M9B 3M8
Scale:	3/32" = 1'-0"

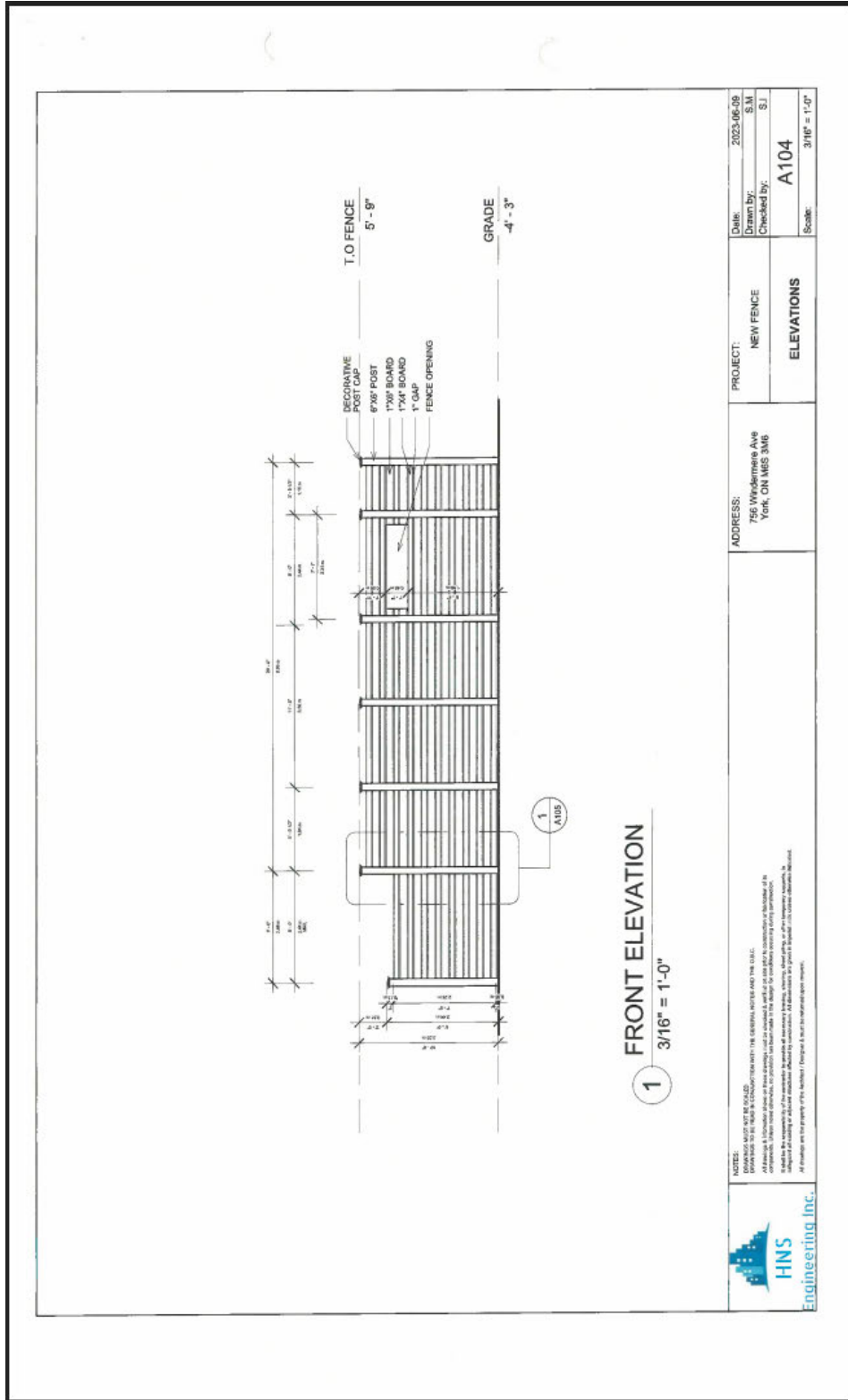
PROJECT:	NEW FENCE
PROPOSED SITE	PAN

ADDRESS:  
756 Windermere Ave  
York, ON M9B 3M8

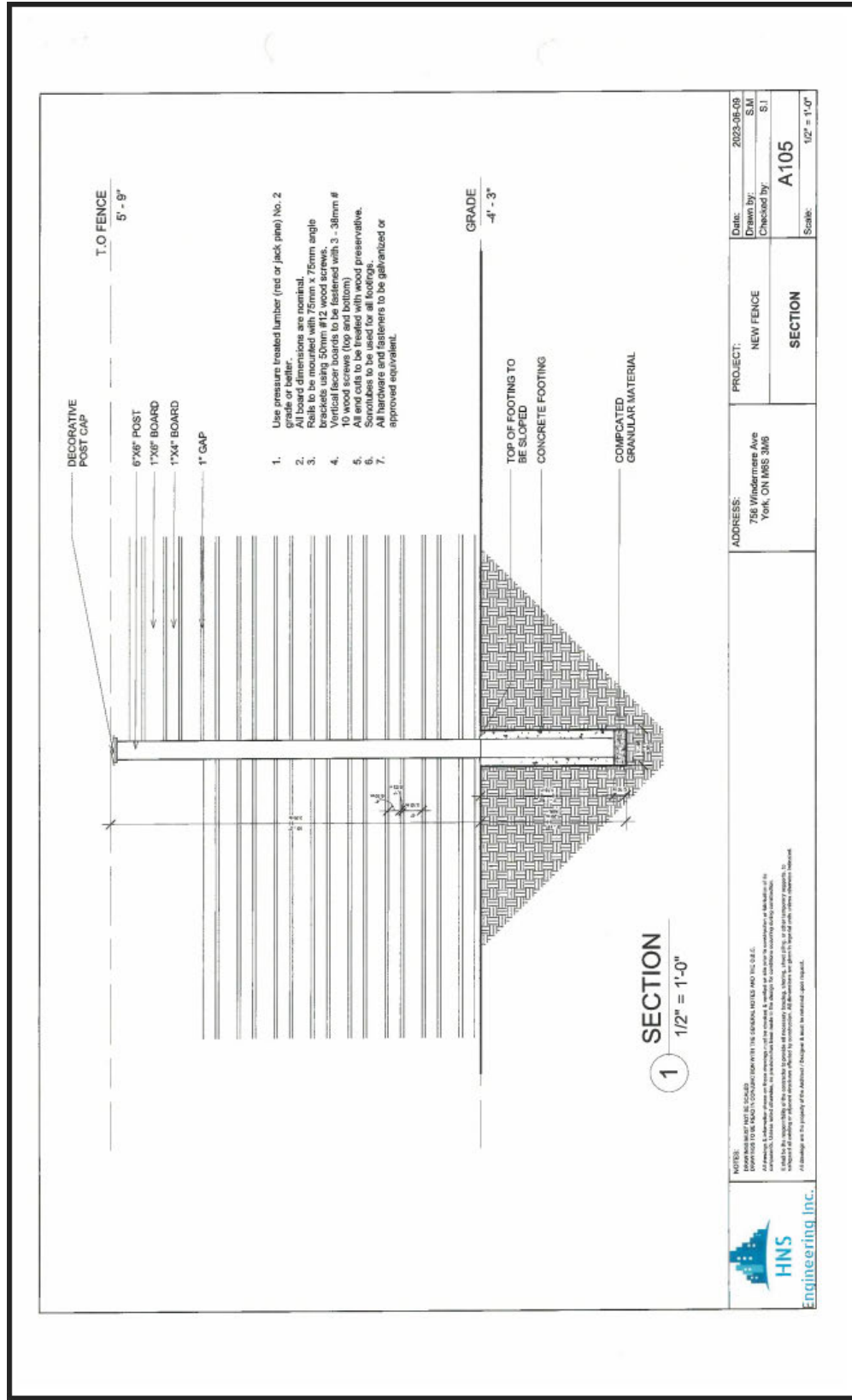
NOTES:  
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
2. ALL DIMENSIONS TO BE MATCHED TO ALL OTHER DRAWINGS.  
3. ALL DIMENSIONS TO BE MATCHED TO ALL OTHER DRAWINGS.  
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Attachment 14: Site Plan for 756 Windermere Ave. provided by the Applicant.



Attachment 15: Front Elevation for 756 Windermere Ave. provided by the Applicant.



Attachment 16: Section details for 756 Windermere Ave. provided by the Applicant.