

104 Seaton Street - Application for Fence Exemption

Date: August 20, 2025
To: Toronto and East York Community Council
From: South District Manager, Municipal Licensing and Standards
Ward: 13 – Toronto Centre

SUMMARY

The Applicant for 104 Seaton St. 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 104 Seaton St. is requesting an exemption for their;

- Existing linear wooden fence on the southern lot line of the rear yard
- Southeastern section (closest to the house) has a measured height of 3.15m for a length of 7.31m
- southwestern section (closest to the rear property line) has a measured height of 2.22m for a length of 4.87m.
- Maximum height permitted is 2m.

Municipal Licensing and Standards Division, due to a separate inspection being conducted, created a pro-active complaint file on November 27th, 2023. The investigation resulted with the subject property owner submitting a fence exemption application on December 18, 2023.

RECOMMENDATIONS

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 104 Seaton St, 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, 104 Seaton St.

COMMENTS

Municipal Licensing and Standards Inspection Results:

The subject property is located in Ward 12 Toronto Centre. 2 1/2 Story semi-detached 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 tables below.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT*
Rear Yard	South side of the property	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

Edward Maloney, A/Supervisor
Municipal Licensing & Standards
Toronto and East York District
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E-mail: edward.maloney@toronto.ca

SIGNATURE

Cameron Culver

Cameron Culver
South District Manager, Municipal Licensing and Standards

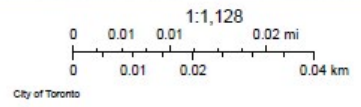
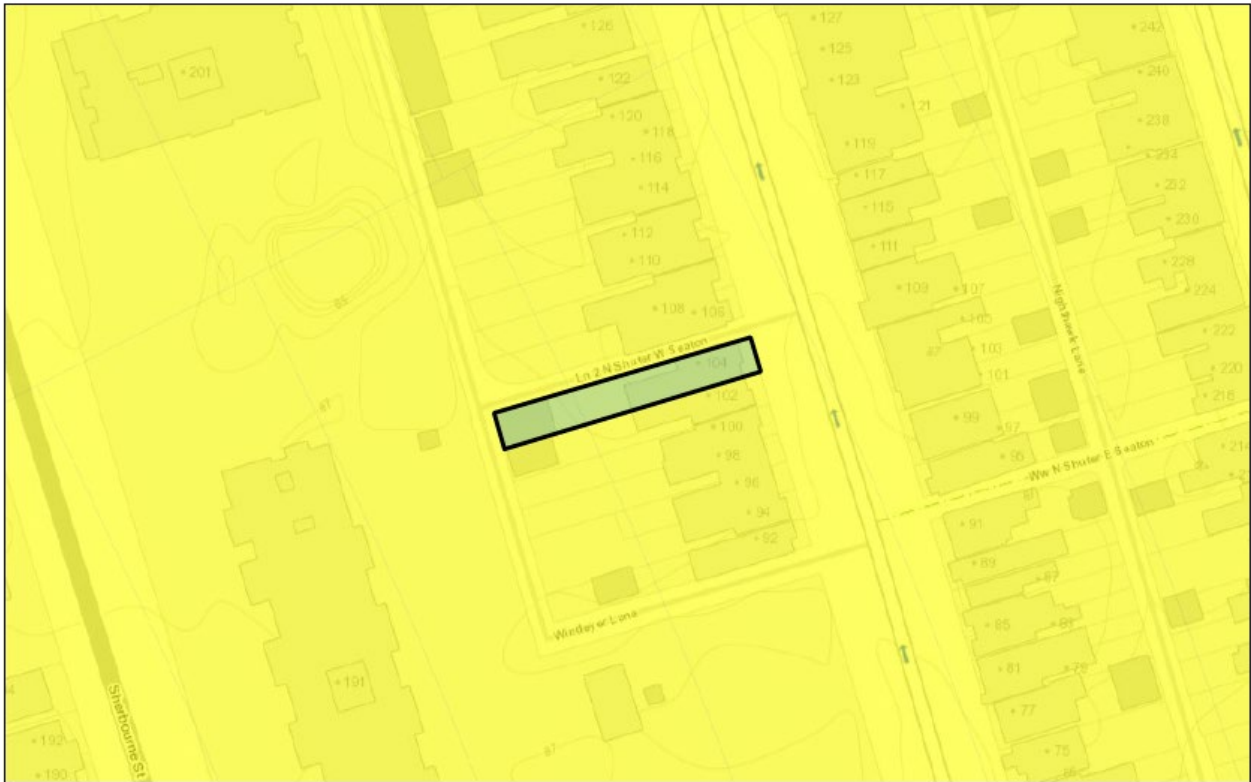
ATTACHMENTS

- Attachment 1: Geospatial Information System (GIS) – 104 Seaton St. – City of Toronto.
- Attachment 2: iView Map of Property with satellite image – 104 Seaton St. - City of Toronto.
- Attachment 3: iView Map of Property with satellite image – 104 Seaton St. - City of Toronto.
- Attachment 4: Officers photo [Measurement taken from deck surface to top of the east section of fence 2.73m]
- Attachment 5: Officers photo [Measurement taken from deck surface to top of the east section of fence 2.73m]
- Attachment 6: Officers photo [Measurement taken from grade to top of the east section of fence 3.15m]
- Attachment 7: Officers photo [Measurement taken from grade to top of the east section of fence 3.15m]
- Attachment 8: Officers photo [View from northeast corner of rear yard looking southwest]
- Attachment 9: Officers photo [Measurement taken from grade to top of the west section of fence 2.22m]
- Attachment 10: Officers photo [Measurement taken from grade to top of the west section of fence 2.22m]

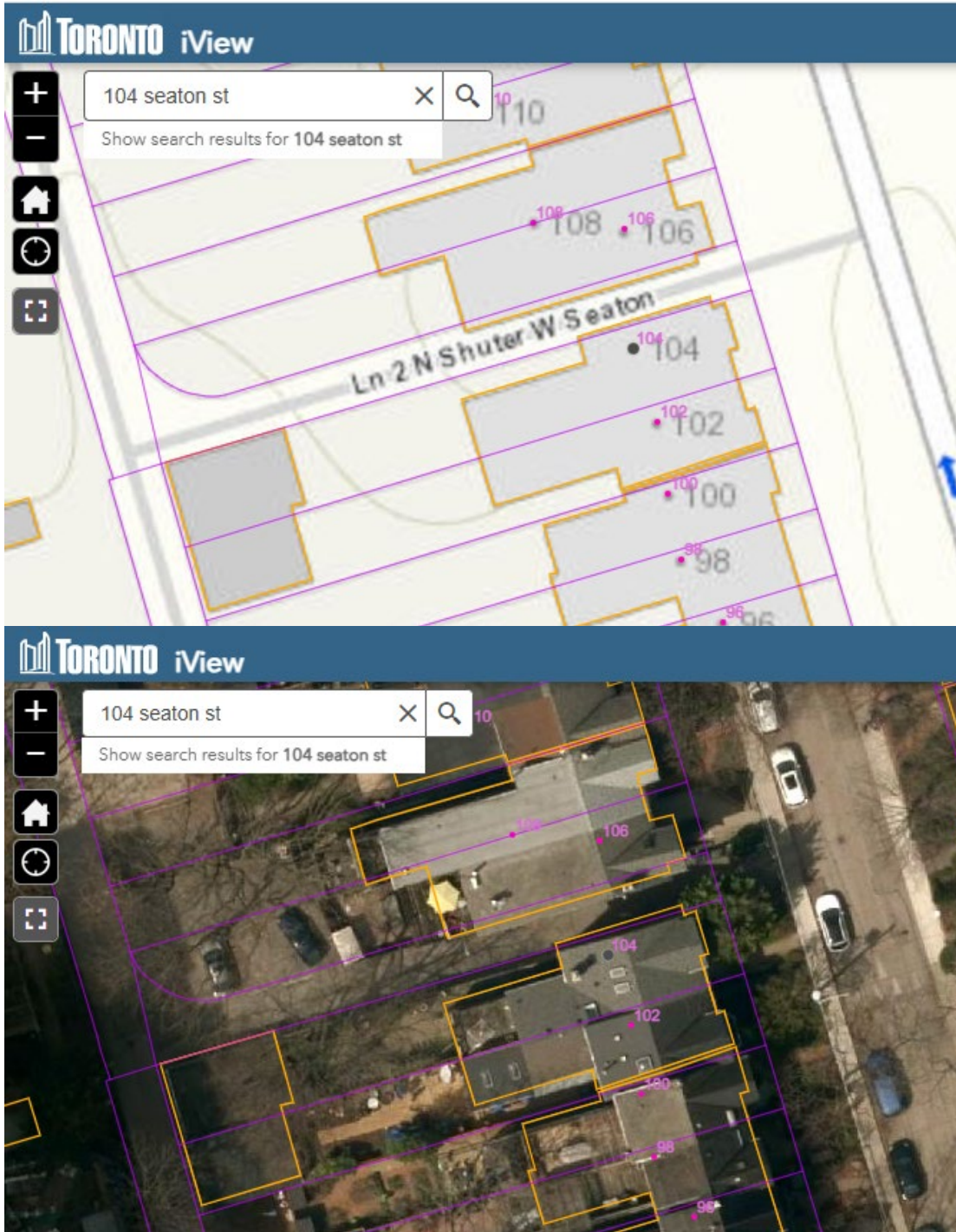
Appendix

- Appendix A: Fence exemption application form submitted December 18, 2024.

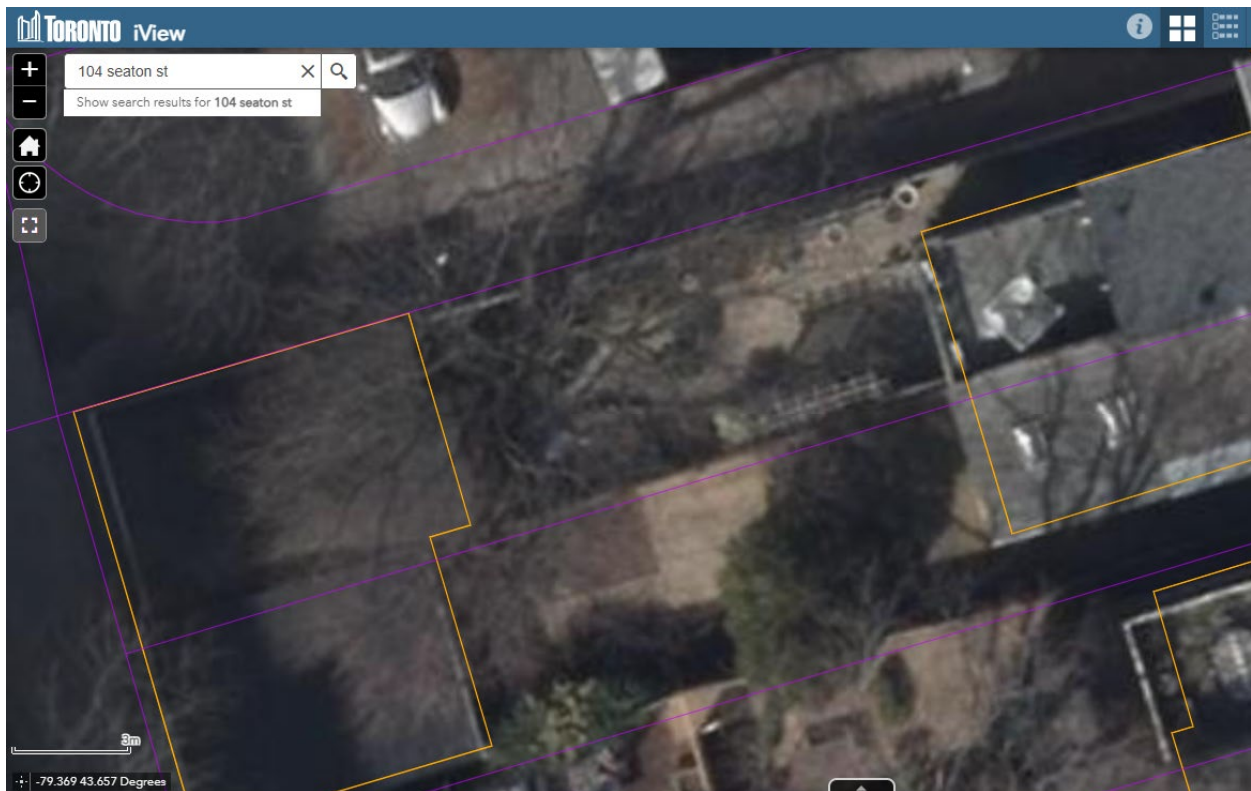
Attachment 1: Geospatial Information System (GIS) – 127 Kilbarry Rd. – City of Toronto.



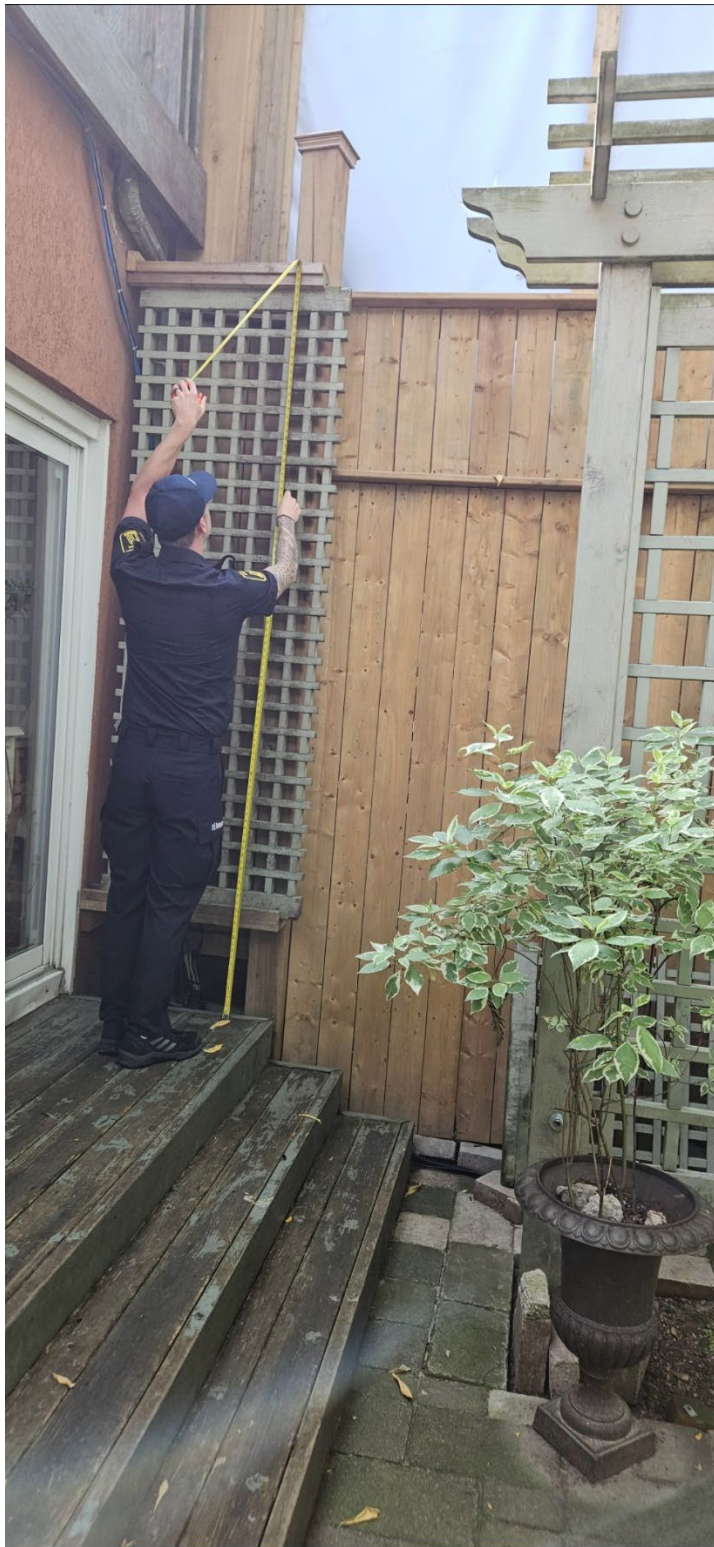
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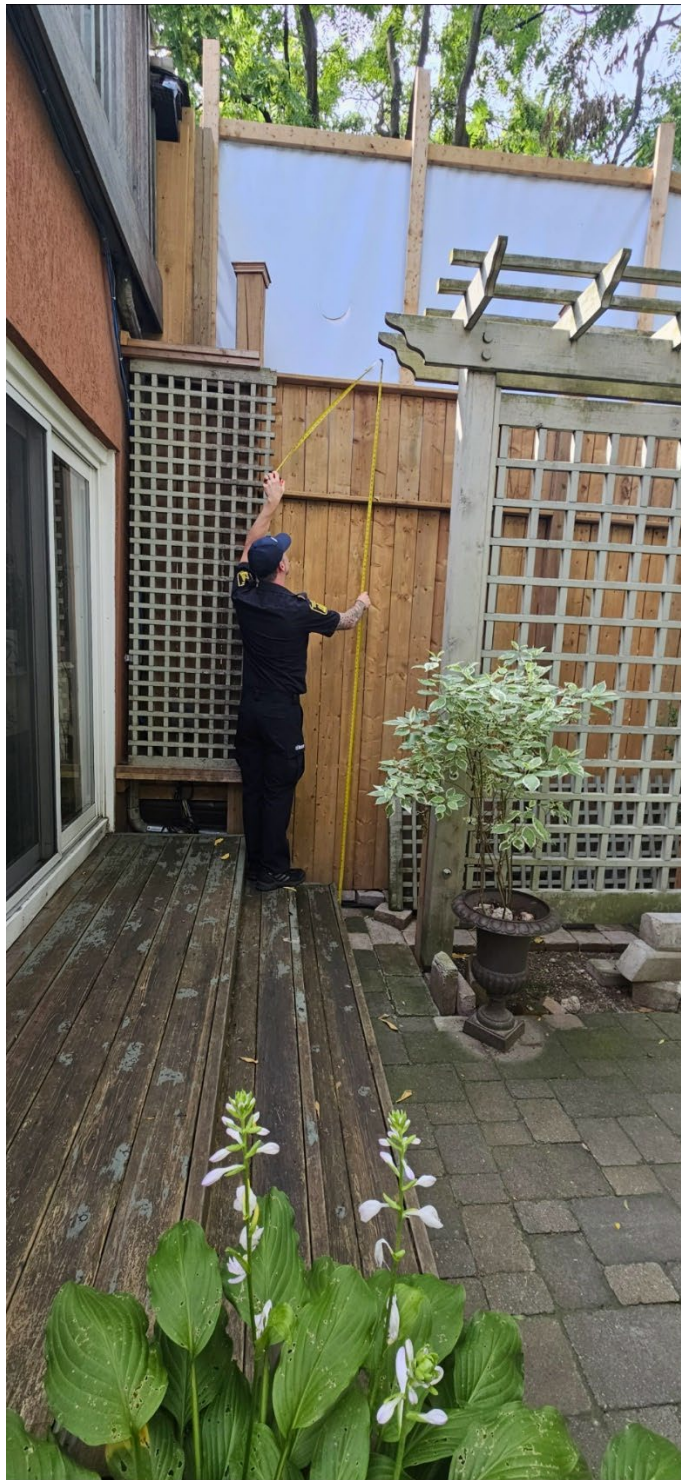
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Attachment 6: Officers photo [Measurement taken from grade to top of the east section of fence, 3.15m]



Attachment 7: Officers photo [Measurement taken from grade to top of the east section of fence 3.15m]



Attachment 8: Officers photo [View from northeast corner of rear yard looking southwest]



Attachment 9: Officers photo [Measurement taken from grade to top of the west section of fence 2.22m]



Attachment 10: Officers photo [Measurement taken from grade to top of the west section of fence 2.22m]



Appendix A

Application Form

Fence Exemption

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

Applicant Information (Property Owner)

First Name Janice		Last Name Young	
Street Number 104	Street Name Seaton Street		Suite/Unit Number
City/Town Toronto		Province Ontario	Postal Code M5A 2T3
Work Telephone Number (home) 416-594-0654	Mobile Telephone Number 416-277-1177		Email fred_dilkes@yahoo.ca

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? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Fence Location (Description should include, east side, rear yard, flankage yard et cetera). The fence is in our rear yard on the south side of our property, just inside the actual property line. It stretches from the rear wall of the house back to the front of the detached garage at the rear of the yard

Application Form
Fence Exemption

Type of Fence (Describe materials used/to be used. Examples include wood, chain link, wrought iron, masonry, et cetera).
The fence is constructed of pressure treated lumber with 6" x 6" posts imbedded in concrete 4 ft below grade and 1' x 6" pressure treated fence boards mounted in a vertical orientation.

Reason for request (Examples include privacy, security, safety, aesthetics).
The fence is needed for personal safety and privacy.

- We have lived at 104 Seaton Street for over 30 years and have had no problems with our neighbours prior to 2019.
- Over the past four years, we have had many problems caused by our immediate neighbour to the south, at 102 Seaton, who has lived there for the past 6-7 years.
- These included him throwing things over the fence into our backyard (garbage, wood, pottery, food containers, animal excrement, eggs, etc.), reaching into our yard and cutting our shrubbery with a cutter attached to an extension pole, heckling us when we are in the backyard, blowing snow and leaves from his yard into ours and intentionally spraying water onto our property, including at our patio door (open/closed) and even at us if we were in the yard.
- The backyard fence which this neighbour had built along the common property line (with some encroachment) has horizontal slats with large spaces between the slats, a construction that provides very little protection or privacy
- To mitigate this, we had put up a flexible tarp that would make these intrusions more difficult. However, he would lift it up, poke and burn holes in it, and even cut down the supporting ropes so it would fall down. When we were putting up the tarp he even reached out into our yard and lashed out, hitting Janice on the top of her head with his arm. He removed some of his fence boards and reached into our yard to remove (and keep) the stones and wrought iron panel/trellis which was holding the bottom of the tarp in place. He recently had a large section (about 6' by 4') of his fence removed, for unknown reasons, allowing his dog to wander into our backyard.
- Unfortunately, over the last few years we have had to call Toronto Police on several occasions, and eventually he was arrested and charged with criminal harassment and mischief.
- Just recently the police also advised us to build our own solid fence along the common property line for our own safety and security, instead of using the tarp.

List the dimensions below, including height, depth of the columns and length of each section.
This is a single straight fence stretching from our house to our garage- a total of approximately 41 feet. There are 7 sections supported by six 6" x 6" fence posts set in concrete 4 ft below grade.

The width and height of each section (starting at the house) is shown below:

SECTION	WIDTH	HEIGHT	
1	2ft 1.5in	10ft 4.5in	This section is closest to the house
2	5ft 11in	10ft 4.5in	
3	7ft 1.5in	10ft 4.5in	
4	7ft 1.5in	10ft 4.5in	
5	8ft 2in	7ft 4in	
6	7ft 0in	7ft 4in	
7	0ft 5.5in	7ft 4in	This section is closest to the garage at rear of yard

Application Form
Fence Exemption

Additional Information

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

If yes, please provide the Notice number:

Authorized Signature

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

Applicant Signature <i>J. Young</i>	Date (yyyy-mm-dd) <i>2023-12-18</i>
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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 application. Questions about this collection can be directed to the District Manager – Municipal Licensing & Standards, West District, 399 The West Mall, 3rd Floor, Toronto, ON M9C 2Y2, or by telephone at 416-392-4352.

Public Record Notice
In accordance with the City of Toronto Municipal Code, Chapter 447 Fences, par.447-5C.(7) the name and address of the property owner will be publicly available.