

86 Kilbarry Rd - Application for Fence Exemption

Date: September 22, 2025
To: Toronto and East York Community Council
From: South District Manager, Municipal Licensing and Standards
Ward: 12 – Toronto - St. Paul’s

SUMMARY

The Applicant for 86 Kilbarry Rd. 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) and Chapter 447-1.2C(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.*

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

C. Open-fence construction required.

- (1) *Any fence within 2.4 meters of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 meters from the lot line at which the driveway begins so as not to obstruct the view of the Boulevard or highway*

The Applicant for 86 Kilbarry Rd. is requesting an exemption for:

- Proposed fence to be constructed on private portion of the property.
- Consistent height of 1.83 meters
- Constructed with vertical black aluminum picket fence panels.
- Existing hedge, that acts as a fence, located next to the proposed picket fence, obstructing the sightline immediately adjacent to the front lot line.

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 86 Kilbarry Rd., for the existing 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 86 Kilbarry Rd.

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

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*
Front Yard	South side of the property, front yard perimeter fence	Fence and hedge, that acts as a fence, in a front yard; and within 2.4 metres of a lot line abutting a public highway	<i>Chapter 447 Section 1.2B(1):</i> Maximum Height: 1.2 meters
		Fence and hedge, that acts as a fence, within 2.4 meters of any driveway shall be open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway.	<i>Chapter 447 Section 1.2C(1):</i> Construction standard: Open mesh chain-link fence or of an equivalent open-fence construction when within 2.4 meters of a driveway

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 meters	No maximum	No maximum
9	Any other fence	2.0 metres	2.5 metres	No maximum

City of Toronto Municipal Code Chapter 447 Fences Bylaw set out the requirements for fence materials that must provide adequate barriers to ensure safety for all residents and users, including children and pets. Chapter 447 sets out requirements to prevent access to hazardous areas and to withstand environmental pressures, such as wind and snow, to prevent hazards associated with fence failure, emphasizing safety, durability, aesthetics, and compliance with regulations.

- Prohibited material - barbed wire, chicken wire, or any other barbed or sharp material, sheet metal and corrugated metal panels are not allowed and fences cannot be used to conduct electricity, unless the fence is on agricultural land used for raising livestock.
- No vegetation shall be permitted to grow or object permitted to be placed in such a way as to obstruct the view through a fence under Chapter 447-1.2 C
- Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway (Chapter 447-1.2 C)
- any fence shall be an open mesh chain-link fence or of an equivalent open-fence construction anywhere it may otherwise restrict the sight lines of vehicular or pedestrian traffic in a parking lot/adjacent property

CONTACT

Edward Maloney, Supervisor
Municipal Licensing & Standards
Toronto and East York District
Tel. (647) 463-2721
E-mail: edward.maloney@toronto.ca

SIGNATURE

Cameron Culver

Cameron Culver
South District Manager, Municipal Licensing and Standards

ATTACHMENTS

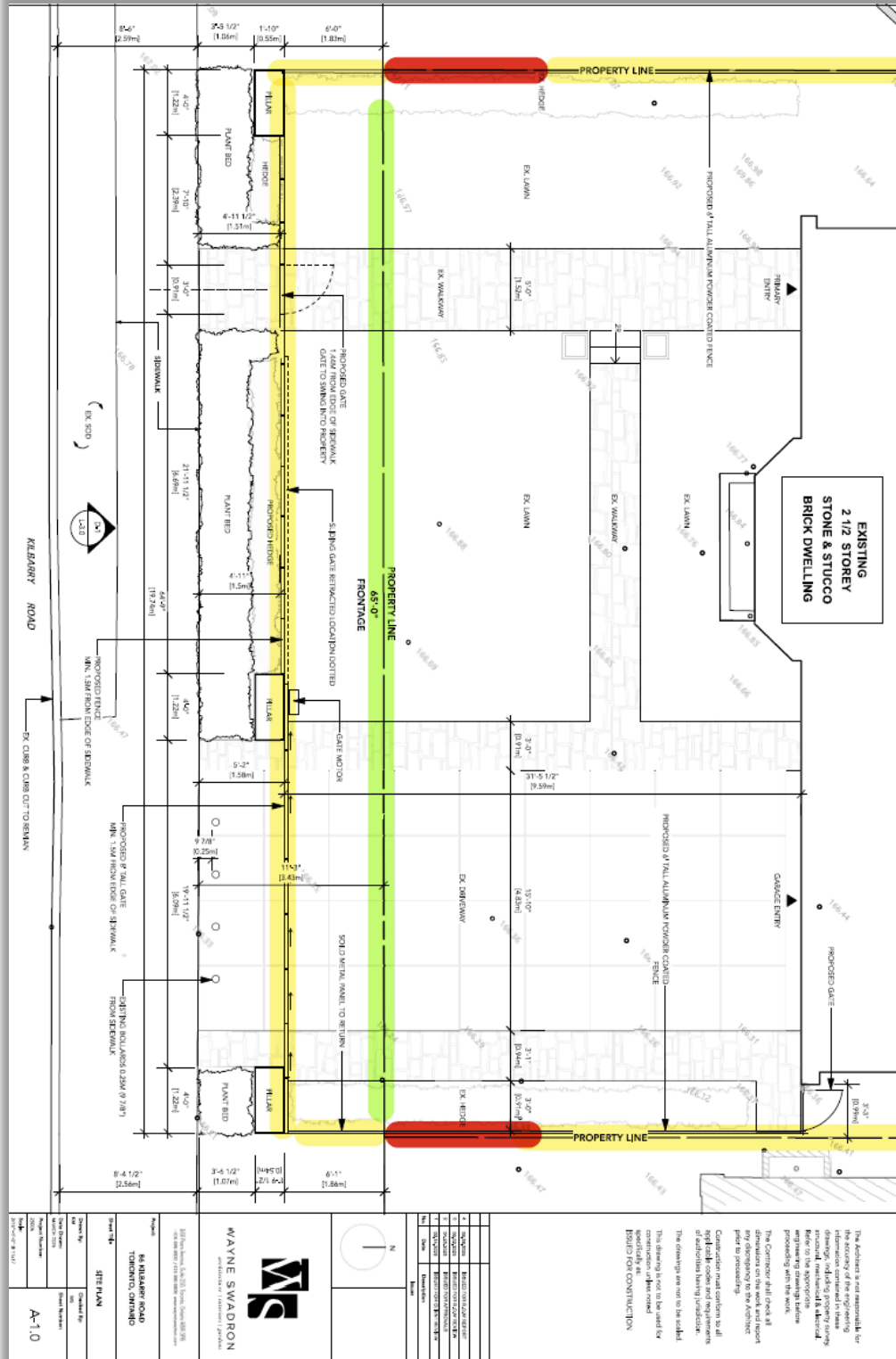
- Attachment 1: Geospatial Information System (GIS) – 86 Kilbarry Rd. – City of Toronto.
- Attachment 2: Site plan for 86 Kilbarry Rd. Yellow highlight is proposed front yard perimeter fence, red highlight (2.4m) is fence section subject to Fence Exemption, green highlight is front lot line.
- Attachment 3: Photograph of 86 Kilbarry Rd., view from opposite side of the street.
- Attachment 4: Photograph depicting east lot line of 86 Kilbarry Rd.
- Attachment 5: Photograph depicting west lot line of 86 Kilbarry Rd.
- Attachment 6: Photograph depicting location of front lot line 3.43 meters from north edge of sidewalk
- Attachment 7: Photograph depicting height of picket fence (1.83 meters) on east side at the front lot line, 3.43 meters from north edge of sidewalk
- Attachment 8: Photograph depicting height of picket fence (1.83 meters) on east side at the front lot line, 3.43 meters from north edge of sidewalk
- Attachment 9: Photograph depicting location of front lot line 3.43 meters from north edge of sidewalk
- Attachment 10: Photograph depicting height of picket fence (1.83 meters) on west side at front lot line, 3.43 meters from north edge of sidewalk
- Attachment 11: Photograph depicting height of picket fence (1.83 meters) on west side at front lot line, 3.43 meters from north edge of sidewalk
- Attachment 12: Letter of support.
- Attachment 13: Letter of support.
- Attachment 14: Letter of support.
- Attachment 15: Letter of support.
- Attachment 16: Toronto and East York Community Council – Encroachment Appeal Decision – July 8, 2025

Attachment 1: Geospatial Information System (GIS) – 86 Kilbarry Rd. – City of Toronto.



Attachment 2:

Site plan for 86 Kilbarry Rd.
 Yellow highlight is proposed front yard perimeter fence
 Red highlight (2.4m) is fence section subject to Fence Exemption
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Attachment 3: Photograph of 86 Kilbarry Rd., view from opposite side of the street.



Attachment 4: Photograph depicting east lot line of 86 Kilbarry Rd.



Attachment 5: Photograph depicting west lot line of 86 Kilbarry Rd.



Attachment 6: Photograph depicting location of front lot line 3.43 meters from north edge of sidewalk



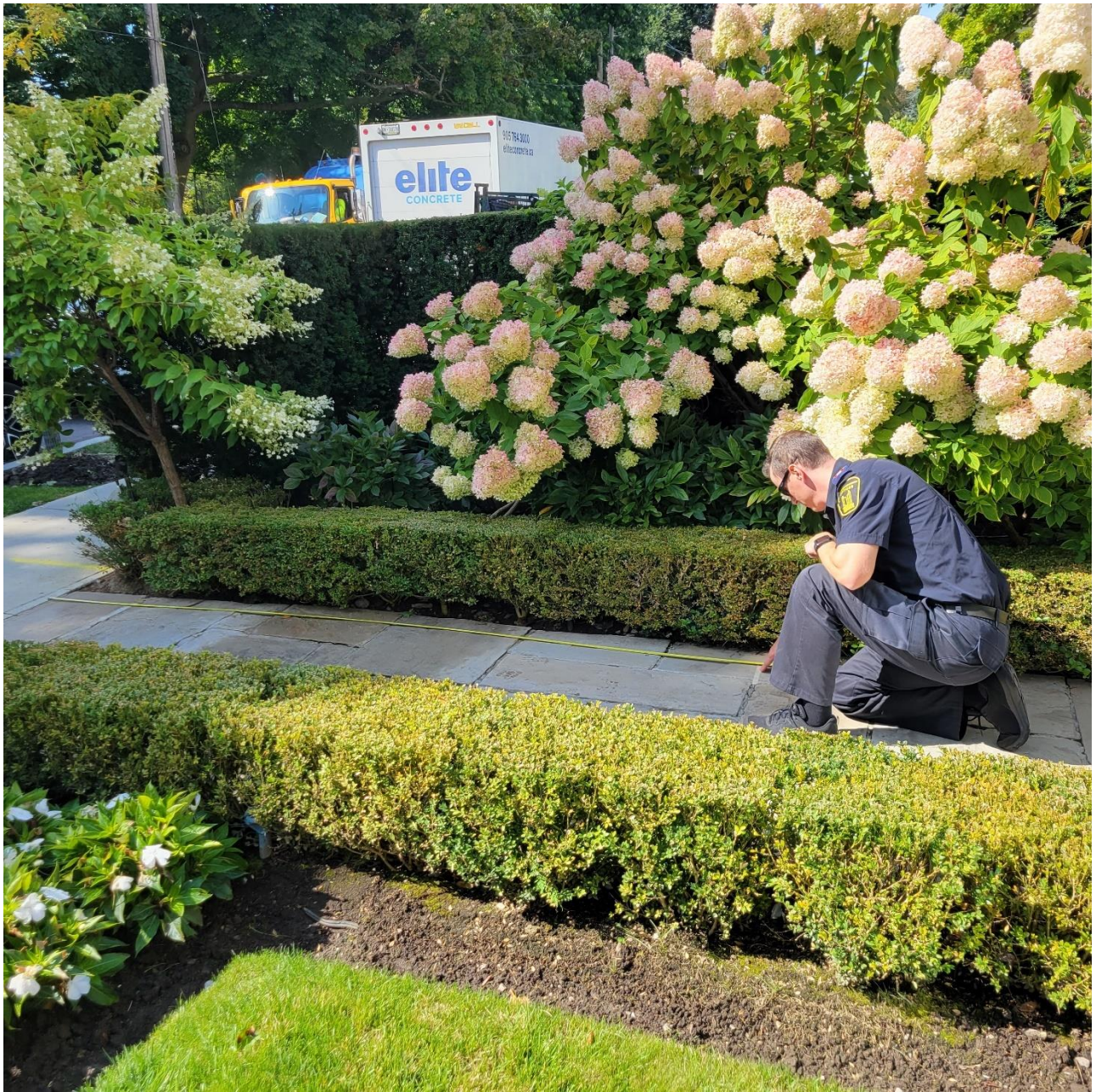
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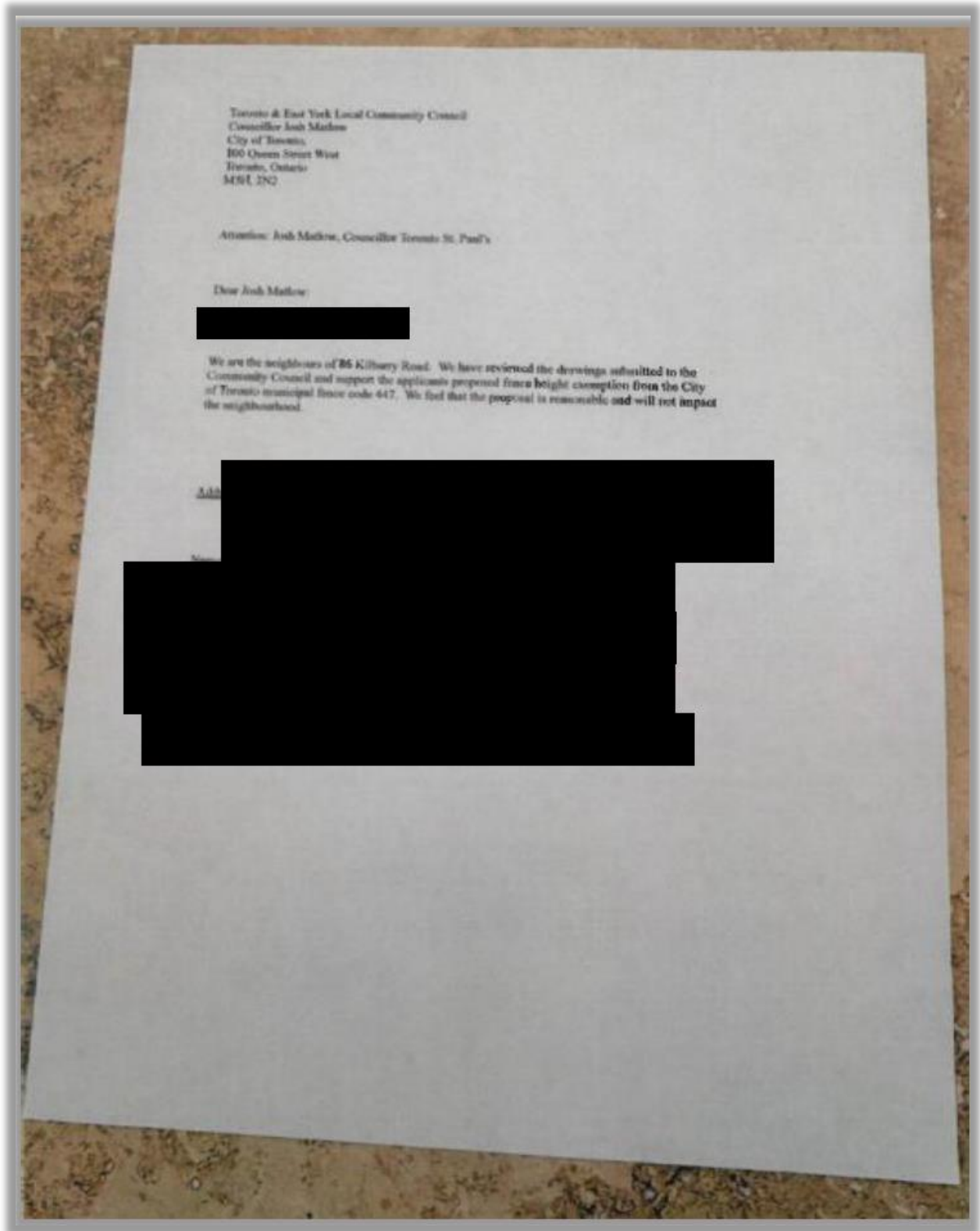
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Attachment 12: Letter of support



Attachment 13: Letter of support.

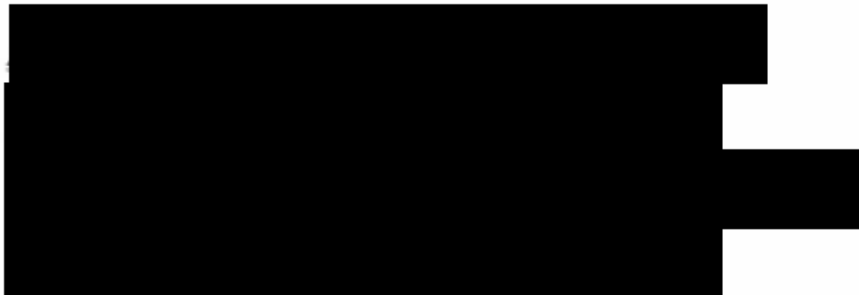
Toronto & East York Local Community Council
Councillor Josh Matlow
City of Toronto,
100 Queen Street West
Toronto, Ontario
M5H, 2N2

Attention: Josh Matlow, Councillor Toronto St. Paul's

Dear Josh Matlow:

86 KILBARRY ROAD, TORONTO

We are the neighbours of 86 Kilbarry Road. We have reviewed the drawings submitted to the Community Council and support the applicants proposed fence height exemption from the City of Toronto municipal fence code 447. We feel that the proposal is reasonable and will not impact the neighbourhood.



Attachment 14: Letter of support.

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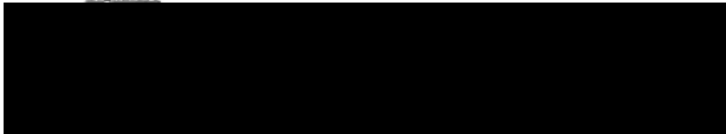
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Signature



Attachment 15: Letter of support.

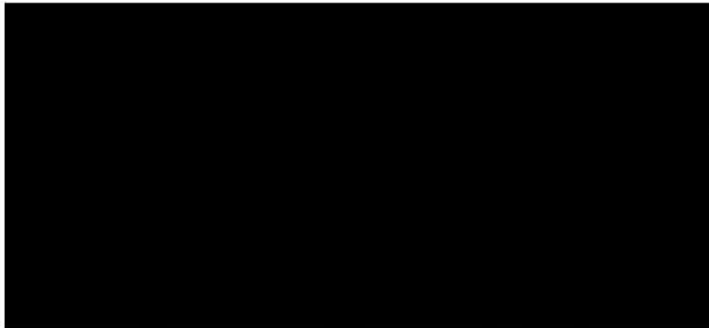
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Item - 2025.TE24.35

Tracking Status

- This item was considered by Toronto and East York Community Council on July 8, 2025 and was adopted with amendments. City Council has delegated authority for this matter to the Toronto and East York Community Council and therefore, the decision is final.

Toronto and East York Community Council consideration on July 8, 2025

TE24.35 - 86 Kilbarry Road - Encroachment Appeal - Fence and Bollards

Decision Type: ACTION

Status: Amended

Schedule Type: Delegated

Ward: 12 - Toronto - St. Paul's

Community Council Decision

The Toronto and East York Community Council:

1. Authorized the General Manager, Transportation Services to enter into an encroachment agreement with property owner of 86 Kilbarry Road, to permit the aluminum metal fence which includes three stone pillars, an automated sliding driveway gate, an electrical pedestrian gate, and associated electrical conduits, and four steel automated retractable bollards and associated electrical conduits:

- a. the property owner will indemnify the City of Toronto from and against all actions, suits, claims or demands and from all loss, costs, damages, and expenses that may result from such permission granted;
- b. the property owner will maintain the subject fence and bollards at their own expense in good repair and a condition satisfactory to the General Manager, Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
- c. the property owner will accept such additional conditions as the City Solicitor or the General Manager, Transportation Services may deem necessary in the interest of the City;
- d. remove the subject fence and bollards upon receiving written notice to do so;
- e. the property owner will enter into an encroachment agreement with the City of Toronto, at the applicant's expense, and assume all liability and damages related to the encroachments;
- f. the property owner will ensure all electrical wirings and connections to the subject fence and bollards are provided from the building located at 86 Kilbarry Road and all work to be in accordance with Electrical Safety Authority requirements;
- g. maintain soft landscaping at a height not exceeding 1.2 metres;
- h. no spikes or pointed tops are permitted on the fence, gate or pillars; and

- i. the property owner will ensure the bollards will always either be fully extended or full retracted and will not interfere with City of Toronto road maintenance operations.

Origin

(June 19, 2025) Report from the Director, Permits and Enforcement, Transportation Services

Summary

This staff report is about a matter that Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is for Toronto and East York Community Council to consider an appeal from the property owner of 86 Kilbarray Road regarding their encroachment application. The encroachment consists of aluminum metal fence which includes three stone pillars, an automated sliding driveway gate, an electrical pedestrian gate, and associated electrical conduits and four steel automated retractable bollards and associated electrical conduits, which is in contravention of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

The property owner is seeking authority from Toronto and East York Community Council to allow the aluminum metal fence and steel bollards to be constructed and maintained within the public right-of-way at 86 Kilbarray Road, which is in contravention of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

Background Information

(June 19, 2025) Report and Attachments 1-4 from the Director, Permits and Enforcement, Transportation Services on 86 Kilbarray Road - Encroachment Appeal - Fence and Bollards
<https://www.toronto.ca/egdocs/mmis/2025/te/bqrd/backgroundfile-256564.pdf>

Speakers

Brent Zylberberg

Motions

Motion to Amend Item moved by Councillor Josh Matlow (Carried)

That:

1. Toronto and East York Community Council authorize the General Manager of Transportation Services to enter into an encroachment agreement with property owner of 86 Kilbarray Road, to permit the aluminum metal fence which includes three stone pillars, an automated sliding driveway gate, an electrical pedestrian gate, and associated electrical conduits, and four steel automated retractable bollards and associated electrical conduits:

- a. the property owner will indemnify the City of Toronto from and against all actions, suits, claims or demands and from all loss, costs, damages, and expenses that may result from such permission granted;
- b. the property owner will maintain the subject fence and bollards at their own expense in good repair and a condition satisfactory to the General Manager, Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
- c. the property owner will accept such additional conditions as the City Solicitor or the General Manager, Transportation Services may deem necessary in the interest of the City;
- d. remove the subject fence and bollards upon receiving written notice to do so;
- e. the property owner will enter into an encroachment agreement with the City of Toronto, at the applicant's expense, and assume all liability and damages related to the encroachments;
- f. the property owner will ensure all electrical wirings and connections to the subject fence and bollards are provided from the building located at 86 Kilbarray Road and all work to be in accordance

with Electrical Safety Authority requirements;


g. maintain soft landscaping at a height not exceeding 1.2 metres;

h. no spikes or pointed tops are permitted on the fence, gate or pillars; and

i. the property owner will ensure the bollards will always either be fully extended or full retracted and will not interfere with City of Toronto road maintenance operations,

Source: Toronto City Clerk at www.toronto.ca/council

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