

629 Adelaide Street West - Privacy Fence - Encroachment Appeal

Date: October 2, 2025

To: Toronto and East York Community Council

From: Director, Street Permits, Transportation Services

Wards: 10, Spadina Fort York

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 629 Adelaide Street West regarding their encroachment application. The existing encroachment consists of 1.8m high wooden fence on the flankage of the property, which contravenes §743-34(A)(2)(a)[1] of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

Transportation Services is recommending that Toronto and East York Community Council ratify the encroachment agreement permitting the wooden privacy fence within the public right-of-way on Adelaide Street West, as staff are of the opinion that it does not have a negative impact on the public right of way for pedestrians or for traffic on the adjacent laneway and street.

RECOMMENDATIONS

The Director, Street Permits, Transportation Services recommends that:

1. Toronto and East York Community Council approve the General Manager, Transportation Services' entrance into an encroachment agreement with the property owner of 629 Adelaide Street West which permits the 1.8m wooden fence, subject to the following condition:
 - a. The applicant pays the appeal fee required by Chapter 441 Fees and Charges.

FINANCIAL IMPACT

There are no financial impacts resulting from the adoption of the recommendations in this report.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An encroachment application was received on May 6, 2024, from the tenant/operator, St Felix Centre, on behalf of the property owner of 629 Adelaide Street West requesting permission to construct and maintain a 1.8 metre high wooden privacy fence within the public right-of-way on the Adelaide Street West flank of the subject premises.

Transportation Services reviewed the application, issued a permit and entered into an encroachment agreement with the property owner to permit the fence. On review, it was determined that as the fence is located within 70 metres of an intersection of any two or more streets, Community Council authority is required given the proposed height exceeds one metre. The property owner was advised of this requirement and submitted an appeal of their application to Toronto and East York Community Council.

Transportation Services is recommending that Toronto and East York Community Council ratify the encroachment agreement permitting the wooden privacy fence within the public right-of-way on Adelaide Street West, as staff are of the opinion that it does not have a negative impact on the public right of way for pedestrians or for traffic on the adjacent laneway and street.

Background:

The existing encroachment does not align with the authority provided to the General Manager to authorize fence encroachments as set out in Municipal Code Chapter 743 as follows:

The existing fence is 1.8 metres in height measured from grade level, which results in an encroachment 0.8 metres higher than what the General Manager can authorize per Municipal Code Chapter 743, section 743-34A (2)(a)(1), which states that "No solid screen fence, privacy fence, railing, bollard, arbour, pergola, ornamental or retaining wall located within 70 metres of the intersection of any two or more streets shall exceed a height of one metre, with the height measured from the surface of the intersecting road".

As a result, Community Council authority is required for the fence.

Drawings of the fence encroachment are shown in Attachments 1 and 2, and photos of the encroachment are shown in Attachment 3. Transportation Services has assessed the fence and found it does not create a sightline impediment affecting traffic or pedestrians at the intersection of the north-south lane located immediately west of 629 Adelaide Street West. The fence maintains the required 0.50 metre setback from the sidewalk.

The Ward Councillor has been advised of the recommendations in this report.

CONTACT

Elio Capizzano, Manager, Street Permits - Transportation Services, 416-392-7878,
Elio.Capizzano@toronto.ca

SIGNATURE

Antonia Markos
Director, Street Permits, Transportation Services

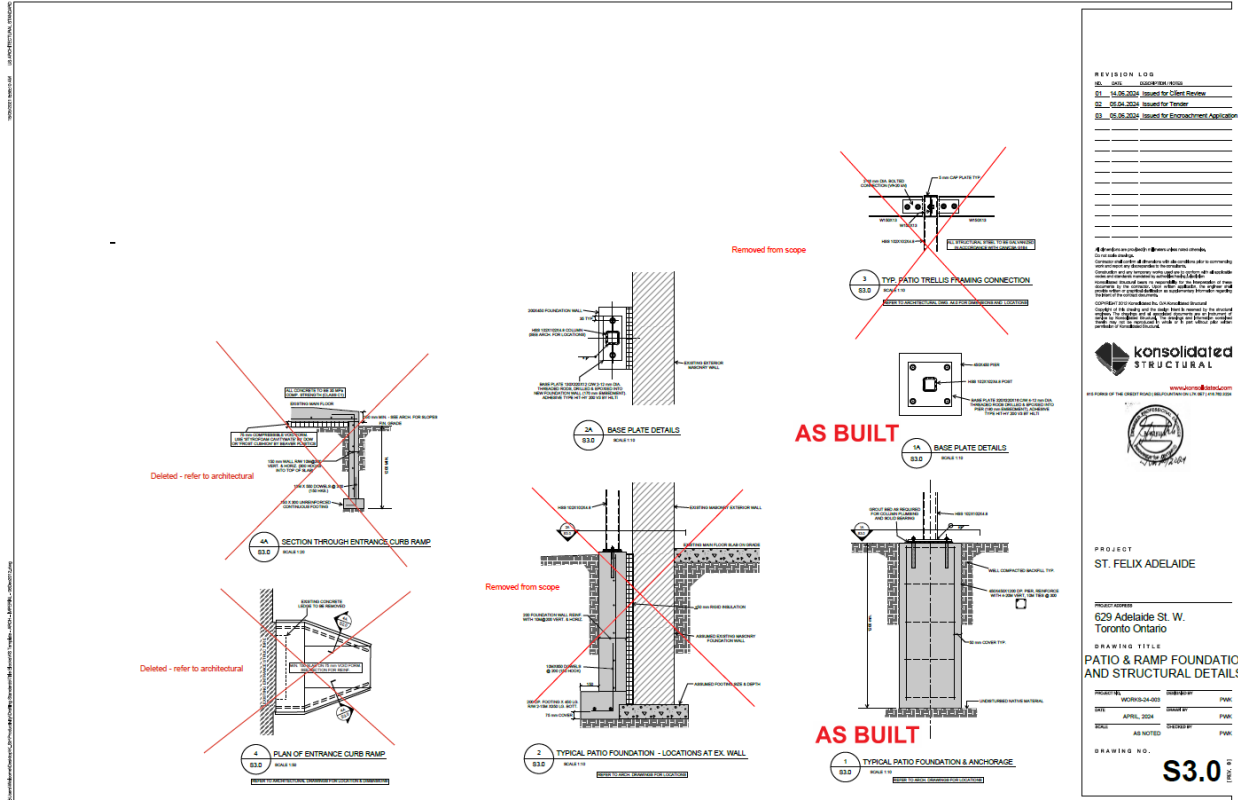
ATTACHMENTS

Attachment 1: Site Plan, Section and Detail of Existing Fence at 629 Adelaide Street West

Attachment 2: As-Built Structural Drawing of Existing Fence Footings at 629 Adelaide Street West

Attachment 3: Photos of the Existing Fence and Property at 629 Adelaide Street West

Attachment 2: As-Built Structural Drawing of Existing Fence Footings at 629 Adelaide Street West



Attachment 3: Photos of the Existing Fence and Property at 629 Adelaide Street West



Front of building at 629 Adelaide St W, looking west



Flank of 629 Adelaide St W, looking southwest



Flank of 629 Adelaide St W, looking south at the north-south lane



Flank of 629 Adelaide St W, looking east