

34 Tubman Ave. - Application for Fence Exemption

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

SUMMARY

The Applicant for 34 Tubman Ave. (parent address), with convenience addresses of 225, 227, and 229 Sumach St., 36, and 38 Tubman 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 34 Tubman Ave. is requesting an exemption for their:

- Existing fence, and gates, that encloses three ground-floor residential units of a condominium building,
- Constructed with a uniformed lower masonry portion and an upper aluminum/composite horizontal board on board fencing portion.
- Consistent height of 2.1 meters
- Maximum Height of Fence: **1.2 meters**

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

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 34 Tubman Ave., 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 this property, 34 Tubman Ave.

COMMENTS

Municipal Licensing and Standards Inspection Results:

The subject property is located in Ward 13 Toronto Centre and is a 29 Story Condominium building. The existing fence violates the City of Toronto Municipal Code, Chapter 447 – Fence height requirements, as seen in the table below:

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT*
Front Yard	West and east side of the property	Fence in a front yard; and within 2.4 metres of a lot line abutting a public highway	Section 447-1.2.B(1) Maximum Height of Fence: 1.2 meters

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 multi-residential 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 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

Cameron Culver

Cameron Culver
South District Manager, Municipal Licensing and Standards

ATTACHMENTS

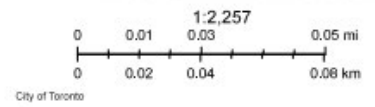
- Attachment 1: Geospatial Information System (GIS) – 34 Tubman Ave. – City of Toronto.
- Attachment 2: iView Map of Property with satellite image – 34 Tubman Ave. - City of Toronto.
- Attachment 3: Photograph depicting west side of the property, 34 Tubman Ave. Photograph taken from Sumach St.
- Attachment 4: Photograph depicting Fence on the west side of the building, flanking Sumach St, looking north, lower masonry and upper aluminum/composite fence (2.0m).
- Attachment 5: Photograph depicting measurement of 2.4 meters from front lot line. Maximum height is **1.2 meters** within this measurement.
- Attachment 6: Photograph depicting measurement of 2.4 meters from front lot line. Maximum height is **1.2 meters** within this measurement.
- Attachment 7: Photograph depicting height measurement of 2.0 meters from grade to the top of the fence. Maximum height is **1.2 meters**.
- Attachment 8: Photograph depicting measurement of 2.0 meters from grade to the top of the fence. Maximum height is **1.2 meters**.
- Attachment 9: Photograph depicting measurement of 2.16 meters from grade to the top of the gate. Maximum height is **1.2 meters**.
- Attachment 10: Photograph depicting measurement of 2.16 meters from grade to the top of the gate. Maximum height is **1.2 meters**.
- Attachment 11: Fence on the west side of the building, flanking Sumach St, looking south, lower masonry and upper aluminum/composite fence
- Attachment 12: Photograph depicting measurement of 2.4 meters from front lot line. Maximum height is **1.2 meters** within this measurement.
- Attachment 13: Photograph depicting measurement of 2.4 meters from front lot line. Maximum height is **1.2 meters** within this measurement.
- Attachment 14: East side of property, flanking 34 Tubman Ave.
- Attachment 15: East side of property, flanking 34 Tubman Ave.

- Attachment 16: Photograph depicting measurement of 2.4 meters from front lot line. Maximum height is **1.2 meters** within this measurement.
- Attachment 17: Photograph depicting measurement of 2.4 meters from front lot line. Maximum height is **1.2 meters** within this measurement.
- Attachment 18: Photograph depicting height measurement of 2.12 meters from grade to the top of the fence. Maximum height is **1.2 meters**.
- Attachment 19: Photograph depicting height measurement of 2.12 meters from grade to the top of the fence. Maximum height is **1.2 meters**.
- Attachment 20: Photograph depicting measurement of 2.17 meters from grade to the top of the gate at 36 Tubman Ave. Maximum height is **1.2 meters**.
- Attachment 21: Photograph depicting measurement of 2.17 meters from grade to the top of the gate at 36 Tubman Ave. Maximum height is **1.2 meters**.
- Attachment 22: Photograph depicting measurement of 2.02 meters from grade to the top of the gate at 38 Tubman Ave. Maximum height is **1.2 meters**.
- Attachment 23: Photograph depicting measurement of 2.02 meters from grade to the top of the gate at 38 Tubman Ave. Maximum height is **1.2 meters**.
- Attachment 24: Fence on the east side of the property, flanking Tubman Ave, looking south, lower masonry and upper aluminum/composite fence
- Attachment 25: Photograph depicting measurement of 2.4 meters from front lot line. Maximum height is **1.2 meters** within this measurement.
- Attachment 26: Photograph depicting measurement of 2.4 meters from front lot line. Maximum height is **1.2 meters** within this measurement.
- Attachment 27: Photograph depicting height measurement of 2.0 meters from grade to the top of the fence. Maximum height is **1.2 meters**.
- Attachment 28: Photograph depicting height measurement of 2.0 meters from grade to the top of the fence. Maximum height is **1.2 meters**.
- Attachment 29: Fence Exemption Application for 34 Tubman Ave. provided by the Applicant.
- Attachment 30: Survey for 34 Tubman Ave. provided by the Applicant.

Attachment 1: Geospatial Information System (GIS) – 34 Tubman Ave. – City of Toronto.



May 13, 2025



Attachment 3: Photograph depicting west side of the property, 34 Tubman Ave. Photograph taken from Sumach St.



Attachment 4: Photograph depicting Fence on the west side of the building, flanking Sumach St, looking north, lower masonry and upper aluminum/composite fence (2.0m).



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Attachment 6: Photograph depicting measurement of 2.4 meters from front lot line. Maximum height is **1.2 meters** within this measurement.



Attachment 7: Photograph depicting height measurement of 2.0 meters from grade to the top of the fence. Maximum height is **1.2 meters**.



Attachment 8: Photograph depicting measurement of 2.0 meters from grade to the top of the fence. Maximum height is **1.2 meters**.



Attachment 9: Photograph depicting measurement of 2.16 meters from grade to the top of the gate. Maximum height is **1.2 meters**.



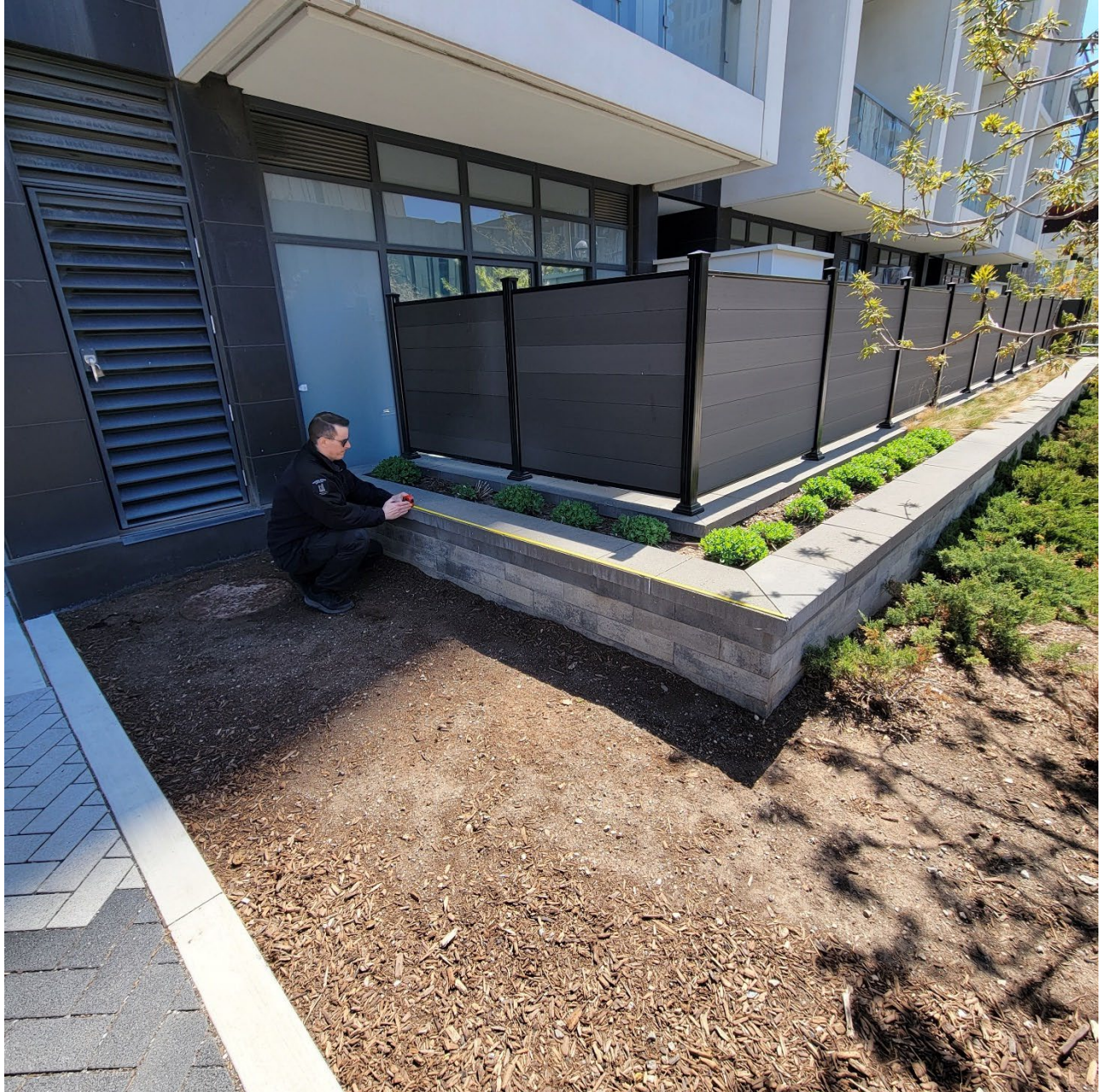
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Attachment 15: East side of property, flanking 34 Tubman Ave.



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Attachment 28: Photograph depicting height measurement of 2.0 meters from grade to the top of the fence. Maximum height is **1.2 meters**.



Attachment 29: Fence Exemption Application for 34 Tubman Ave. provided by the Applicant.

24-24716

Application Form
Fence Exemption

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

Applicant Information (Property Owner)

First Name TORONTO STANDARD CONDO CORP		Last Name 2834	
Street Number 225	Street Name SUMACH ST.	Suite/Unit Number Management Office	
City/Town TORONTO		Province ON	Postal Code M5A 0P8
Work Telephone Number 416-546-3482	Mobile Telephone Number 416-559-3671	Email <i>hg.ang@iccpropertymanagement.com</i>	

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

Agent Contact Information (if applicable)

Business Name ICC PROPERTY MANAGEMENT			
First Name HAI		Last Name GIANG	
Street Number 225	Street Name SUMACH ST	Suite/Unit Number Management Office	
City/Town TORONTO		Province ON	Postal Code M5A 0P8
Business Telephone Number 416-546-3482	Business Mobile Number 416-559-3671	Business Email <i>hg.ang@iccpropertymanagement.com</i>	

Fence Information


Is the fence located on property where an active building permit is in place? yes no

Fence Location (Description should include, east side, rear yard, flankage yard et cetera).
EAST AND WEST SIDE OF A MULTI-RESIDENTIAL CONDOMINIUM BUILDING. THE FENCE ENCLOSES THREE GROUND FLOOR UNIT PATIOS. TWO IN THE EAST SIDE AND ONE ON THE WEST SIDE OF THE BUILDING.

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Application Form
Fence Exemption

<p>Type of Fence (Describe materials used/to be used. Examples include wood, chain link, wrought iron, masonry, et cetera). Composite style with 5" horizontal boards and aluminum framing/posts Aluminum colour: Black Composite colour: Grey</p>	
<p>Reason for request (Examples include privacy, security, safety, aesthetics). The three Ground Floor unit patios are exposed to heavy public traffic from the abutting sidewalk and roadway. Trespassers have stolen person belongings and been found sleeping in the unit patios. The fence provides privacy from the heavy traffic, security for personal belongings, and resident safety from trespassers.</p>	
<p>List the dimensions below, including height, depth of the columns and length of each section. The largest panel width is approximately 76" Wide. The maximum fence panel height is 48". The maximum height of a gate is 81 1/2". Each post (column) is 3"x3".</p>	
<p>Additional Information</p>	
<p>Have you received a Notice of Violation under the Fence Bylaw? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no</p>	
<p>If yes, please provide the Notice number: </p>	
<p>Authorized Signature</p>	
<p>I affirm that all the information is true and complete and that I understand and accept all conditions.</p>	
<p>Applicant Signature </p>	<p>Date (yyyy-mm-dd) 2024-11-11</p>
<p><small>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. 2008, 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.</small></p>	
<p><small>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.</small></p>	
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Attachment 30: Survey for 34 Tubman Ave. provided by the Applicant.

