

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 22 Ninth Street

Date: June 5, 2026

To: Etobicoke York Community Council

From: District Manager, Municipal Licensing and Standards, West District

Wards: 3 Etobicoke - Lakeshore

SUMMARY

This staff report concerns a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

This report responds to an application submitted by the owner of 22 Ninth Street requesting a site-specific Fence Exemption pursuant to Section 447-1.2B(1) of Toronto Municipal Code, Chapter 447 – Fences.

The purpose of this report is to advise Community Council regarding an application to permit an existing wood fence that exceeds the maximum height permitted under Chapter 447 – Fences.

Municipal Licensing and Standards staff inspected the property and obtained the following fence measurements:

The fence was measured and compared against the maximum permitted height of 2.0 metres under Toronto Municipal Code, Chapter 447 – Fences. The south side fence measures 3.2 metres in height, representing an exceedance of 1.2 metres above the by-law requirement. The north side fence measures 2.5 metres to the top of the fence structure, with an additional 0.381 metre lattice component, resulting in a total height of 3.75 metres, which exceeds the maximum permitted height by 1.75 metres. The west side fence measures 2.4 metres in height, exceeding the by-law requirement by 0.4 metres.

All portions of the fence exceed the maximum permitted height of 2.0 metres under Chapter 447 – Fences.

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, West District recommends that Etobicoke York Community Council:

1. Refuse to grant the application for exemption by the owner of 22 Ninth Street because the fence fails to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences.

FINANCIAL IMPACT

There is no financial impact to the City of Toronto.

DECISION HISTORY

There are no previous Fence Exemption decisions for this property

COMMENTS

The subject property municipally known as 22 Ninth Street is developed with a single-family detached residential dwelling.

The application was initiated following a public complaint regarding the height of the existing fence. Municipal Licensing and Standards staff inspected the property and determined that portions of the fence exceed the maximum height permitted under Toronto Municipal Code, Chapter 447 – Fences.

The property owner submitted a Fence Exemption application on June 1, 2026, seeking relief from the requirements of Chapter 447 – Fences. The owner is requesting permission to maintain the existing fence, citing concerns related to privacy, trespassing, and police attendance at the property.

Toronto Municipal Code, Chapter 447 – Fences states:

§447-2B(1) Fence Height

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 metre away on either side of the fence, exceed the height set out in the Table for the fence.

As the fence does not comply with the height requirements of Chapter 447 – Fences and no site-specific conditions were identified to support an exemption, the application does not meet the criteria for approval. Staff recommend refusal.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT
Rear Yard	North	Pressure treated wood fence with lattice 1.75 metre over	Chapter 447-1.2B (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 metre away on either side of the fence, exceed the height set out in the Table for the fence 2.0 metres.
Rear Yard	South	Pressure treated wood fence 1.2 metre over	Chapter 447-1.2B (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 metre away on either side of the fence, exceed the height set out in the Table for the fence 2.0 metres.
Rear Yard	West	Pressure treated wood fence 0.4 metre over	Chapter 447-1.2B (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 metre away on either side of the fence, exceed the height set out in the Table for the fence 2.0 metres.

CONTACT

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SIGNATURE

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Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: GIS Map of Property — 22 Ninth Street, City of Toronto.

Attachment 2: Full-length view of the wood fence located along the south side of the property rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.

Attachment 3: North side fence rear yard of the property. Photo taken by officer. 22 Ninth Street, City of Toronto.

Attachment 4: South side fence adjacent to steps leading to deck rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.

Attachment 5: South side of fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.

Attachment 6: West rear yard of property rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.

Attachment 7: Measurement of south side fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.

Attachment 8: Measurement of north side lattice portion of fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.

Attachment 9: North side of fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.

Attachment 10: Measurement of north side fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.

Attachment 11: Measurement south side of fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.

Attachment 12: South side of fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.

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Attachment 4: South side fence adjacent to steps leading to deck rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.



Attachment 5: South side of fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.



Attachment 6: West rear yard of property rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.



Attachment 7: Measurement of south side fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.



Attachment 8: Measurement of north side lattice portion of fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.



Attachment 9: North side of fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.



Attachment 10: Measurement of north side fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.



Attachment 11: Measurement south side of fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.



Attachment 12: South side of fence rear yard. Photo taken by officer. 22 Ninth Street, City of Toronto.

