

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 5 Alderton Court

Date: June 5, 2026

To: Etobicoke York Community Council

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

Wards: 2 Etobicoke Centre

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.

The purpose of this report is to advise Community Council concerning an application submitted by the owner of 5 Alderton Court for a site-specific Fence Exemption pursuant to Section 447-1.2 B(1) of Toronto Municipal Code, Chapter 447 – Fences.

The applicant is seeking permission to maintain an existing wood fence located along the rear perimeter lot line of the property. The fence exceeds the maximum permitted height of 2.0 metres and measures between approximately 2.25 metres and 2.97 metres in height when calculated using average grade in accordance with Chapter 447.

The property is a residential lot containing an existing wood privacy fence situated along the rear lot line and portions of the side lot lines. Due to significant grade differences between 5 Alderton Court and the abutting properties, fence heights vary substantially when measured from either side of the fence. While the fence generally measures approximately 2.0 metres to 2.5 metres in height from the applicant's side of the property, the lower grades on adjacent properties result in greater fence heights and average-grade measurements that exceed the maximum permitted height under Chapter 447.

Municipal Licensing and Standards staff conducted site inspections and obtained measurements at various locations along the fence. Measurements were recorded from both sides of the fence and average-grade calculations were completed in accordance with the requirements of Toronto Municipal Code, Chapter 447 – Fences.

There is a grade differential between the subject property and the adjacent properties.

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 5 Alderton Court 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 Municipal Licensing and Standards Division inspected the subject property on January 27, 2025, and determined that portions of the existing fence exceeded the maximum height permitted under Toronto Municipal Code, Chapter 447 – Fences. A Notice of Violation was issued to the property owner on January 31, 2025.

The owner of 5 Alderton Court submitted a Fence Exemption application on February 13, 2025, requesting permission to maintain the existing fence.

Municipal Licensing and Standards staff conducted site inspections and obtained measurements at various locations along the fence. Measurements were recorded from both sides of the fence and average-grade calculations were completed in accordance with the requirements of Toronto Municipal Code, Chapter 447 – Fences.

Rear Lot Line Abutting 15 Hartfield Road

Measurements were obtained along the north-west portion of the rear lot line, with posts measured from the western direction:

Fence Post	Height from Adjacent Property Side	Height from 5 Alderton Court Side	Average Grade Height
Post 2	2.65 m	2.07 m	2.36 m
Post 4	2.52 m	2.03 m	2.28 m

Fence Post	Height from Adjacent Property Side	Height from 5 Alderton Court Side	Average Grade Height
Post 6	2.45 m	2.05 m	2.25 m

The fence adjacent to 15 Hartfield Road exceeds the maximum permitted height of 2.0 metres, with average-grade measurements ranging from 2.25 metres to 2.36 metres.

Rear Lot Line Abutting 17 Hartfield Road

Measurements were obtained along the north-east portion of the rear lot line commencing at the north-east corner and proceeding southbound. The landscape on the applicant's side has been levelled.

Fence Post	Height from 5 Alderton Court Side	Height from Adjacent Property Side	Average Grade Height
Post 1	2.10 m	2.90 m	2.50 m
Posts 2–10	2.10 m	2.50 m	2.30 m
Post 11	2.50 m	2.50 m	2.50 m
Post 12	2.50 m	3.35 m	2.93 m
Post 13	2.50 m	2.91 m	2.70 m
Post 14	2.50 m	3.45 m	2.97 m

The fence adjacent to 17 Hartfield Road exceeds the maximum permitted height of 2.0 metres throughout its length, with average-grade measurements ranging from 2.30 metres to 2.97 metres. The highest average-grade measurement of 2.97 metres was recorded at Post 14.

Side Lot Line Abutting 7 Alderton Court

Measurements were obtained commencing at the south-east corner and proceeding westbound.

Fence Post	Height from 5 Alderton Court Side	Height from Adjacent Property Side	Average Grade Height
Post 2	2.50 m	3.45 m	2.97 m

The fence adjacent to 7 Alderton Court exceeds the maximum permitted height of 2.0 metres, with an average-grade measurement of 2.97 metres.

Based on the measurements obtained during inspection, the fence exceeds the maximum permitted height established under Section 447-1.2 B(1) of Toronto Municipal Code, Chapter 447 – Fences. The average-grade fence heights range from approximately 2.25 metres to 2.97 metres. The applicant is therefore seeking Community Council approval to maintain the existing fence as constructed.

The existing fence does not comply with the requirements of Toronto Municipal Code, Chapter 447, Section 447-1.2 B(1), which states:

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 metre away on either side of the fence, exceed the height set out in the Table for the fence. The maximum permitted height for a rear yard fence is 2.0 metres when measured from average grade. Staff measurements confirmed that portions of the fence exceed this permitted height.

Staff observed that the height contravention is primarily the result of grade differences between the subject property and the neighbouring properties. While the fence appears lower when viewed from 5 Alderton Court, the lower grades on the abutting properties result in higher measurements when calculated using the average-grade method required by Chapter 447.

The applicant is requesting a site-specific exemption to permit the existing fence to remain as constructed.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT
Rear Yard	Rear perimeter lot line abutting 15 Hartfield Road, 17 Hartfield Road and 7 Alderton Court	Existing wood fence exceeds the maximum permitted height of 2.0 metres. Fence measurements range from approximately 2.25 metres to 2.97 metres when measured using average grade in accordance with Chapter 447. The highest measured portion of the fence was approximately 3.84 metres when measured from the lower adjacent property grade.	Chapter 447 Section 447-1.2 B (1) A fence must not be more than 2.0 metres in height

CONTACT

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SIGNATURE

Brian Nogueira
District Manager, West District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: GIS Map of Property –5 Alderton Court - City of Toronto.

Attachment 2: Northeast rear yard. Photo taken by officer. 5 Alderton Court, City of Toronto.

Attachment 3: Northeast rear yard. Photo taken by officer. 5 Alderton Court, City of Toronto.

Attachment 4: Northwest rear yard. Photo taken by officer. 5 Alderton Court, City of Toronto.

Attachment 5: Northwest rear yard. Photo taken by officer. 5 Alderton Court, City of Toronto.

Attachment 6: 5 Alderton Court rear yard. Photo taken by officer. 5 Alderton Court, City of Toronto.

Attachment 7: Southwest outside. Photo taken by officer. 5 Alderton Court, City of Toronto.

Attachment 8: Southwest rear yard. Photo taken by officer. 5 Alderton Court, City of Toronto.

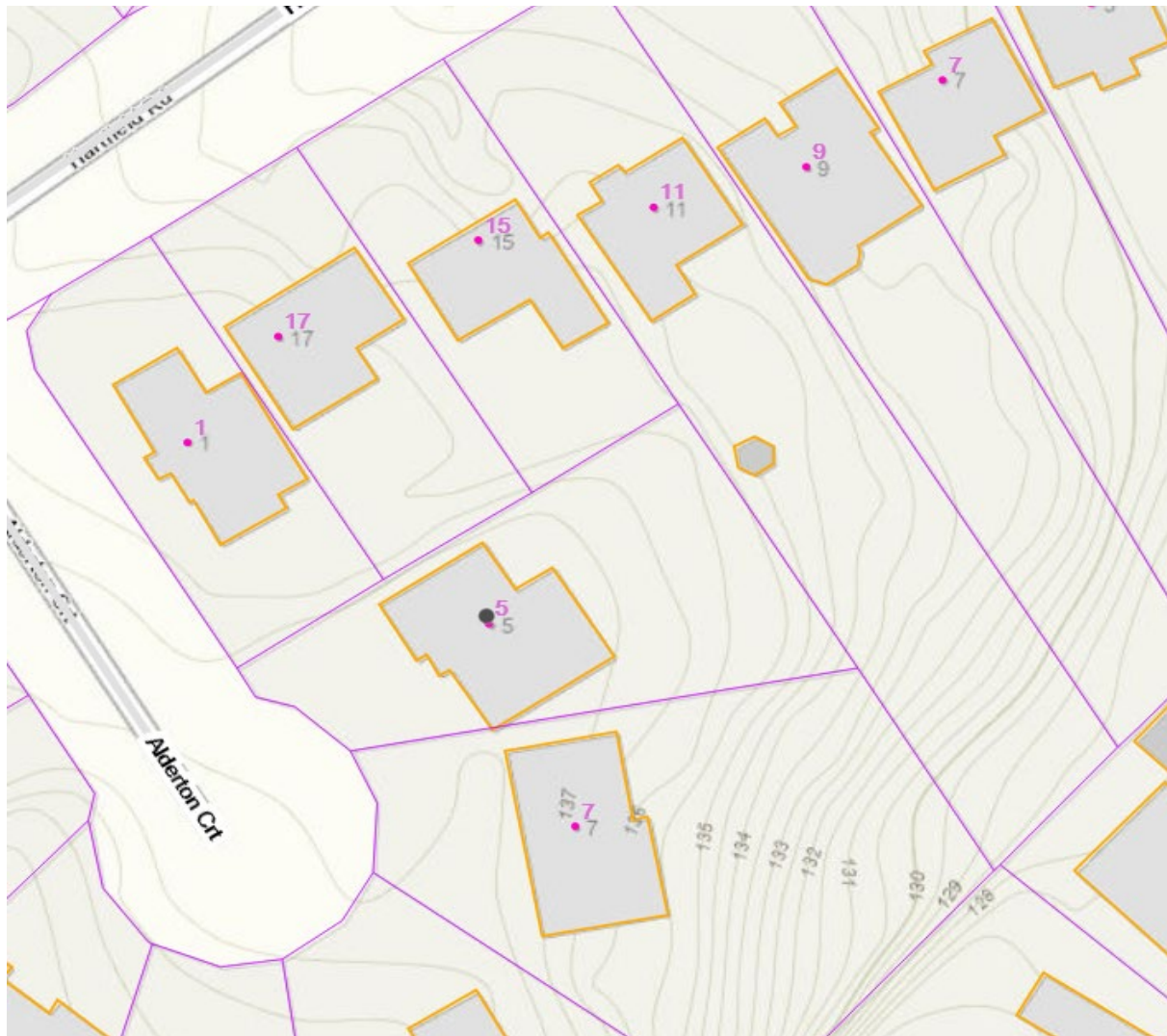
Attachment 9: Northeast 15 Hartfield Road. Photo taken by officer. 5 Alderton Court, City of Toronto.

Attachment 10: Northeast 15 Hartfield Road. Photo taken by officer. 5 Alderton Court, City of Toronto.

Attachment 11: Northeast 15 Hartfield Road. Photo taken by officer. 5 Alderton Court, City of Toronto.

Attachment 12: South 7 Hartfield Road. Photo taken by officer. 5 Alderton Court, City of Toronto.

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Attachment 4: Northwest rear yard. Photo taken by officer. 5 Alderton Court, City of Toronto.



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Attachment 6: 5 Alderton Court rear yard. Photo taken by officer. 5 Alderton Court, City of Toronto.



Attachment 7: Southwest outside. Photo taken by officer. 5 Alderton Court, City of Toronto.

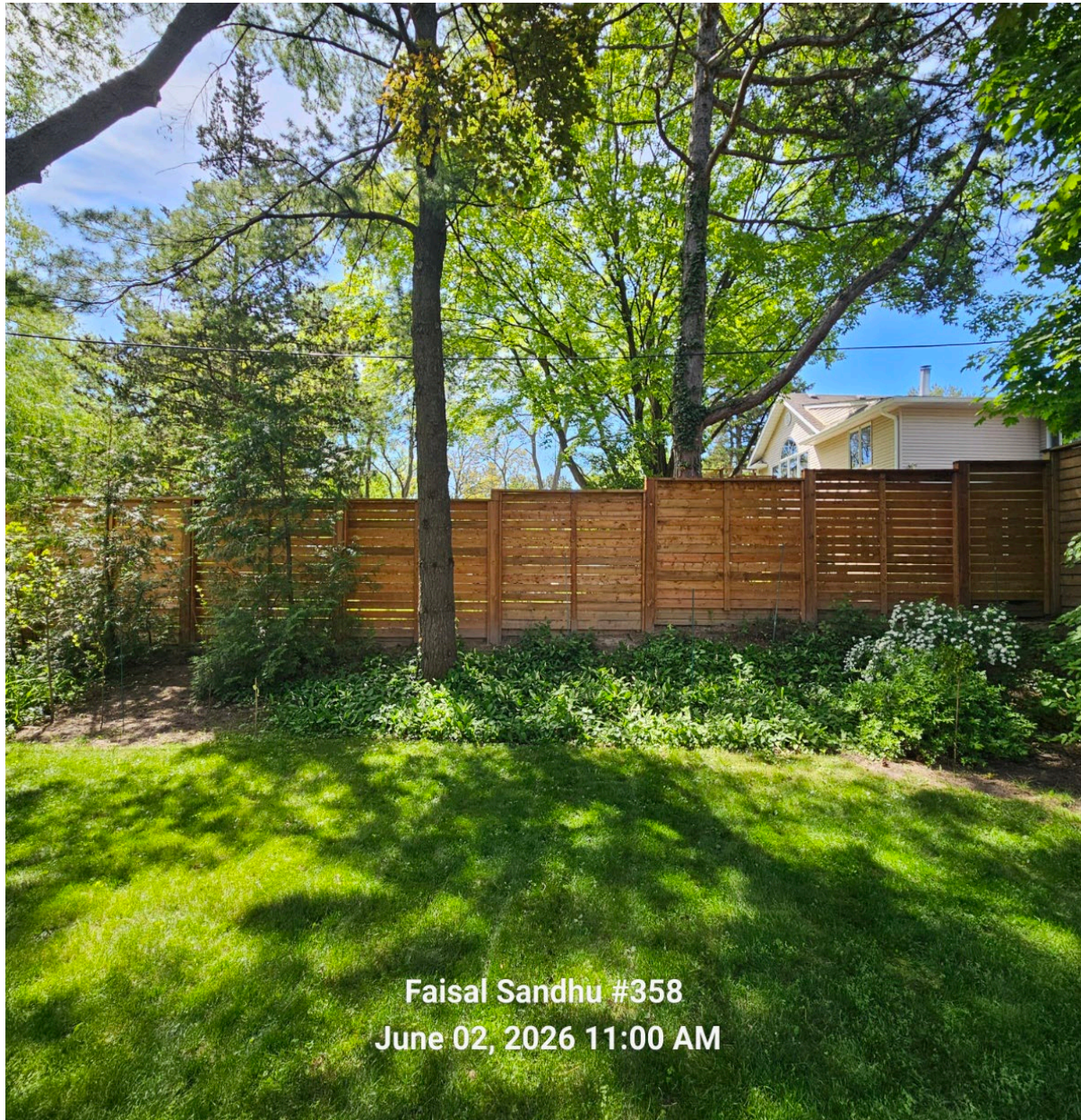


Attachment 8: 5 Alderton Southwest rear yard. Photo taken by officer. 5 Alderton Court, City of Toronto.

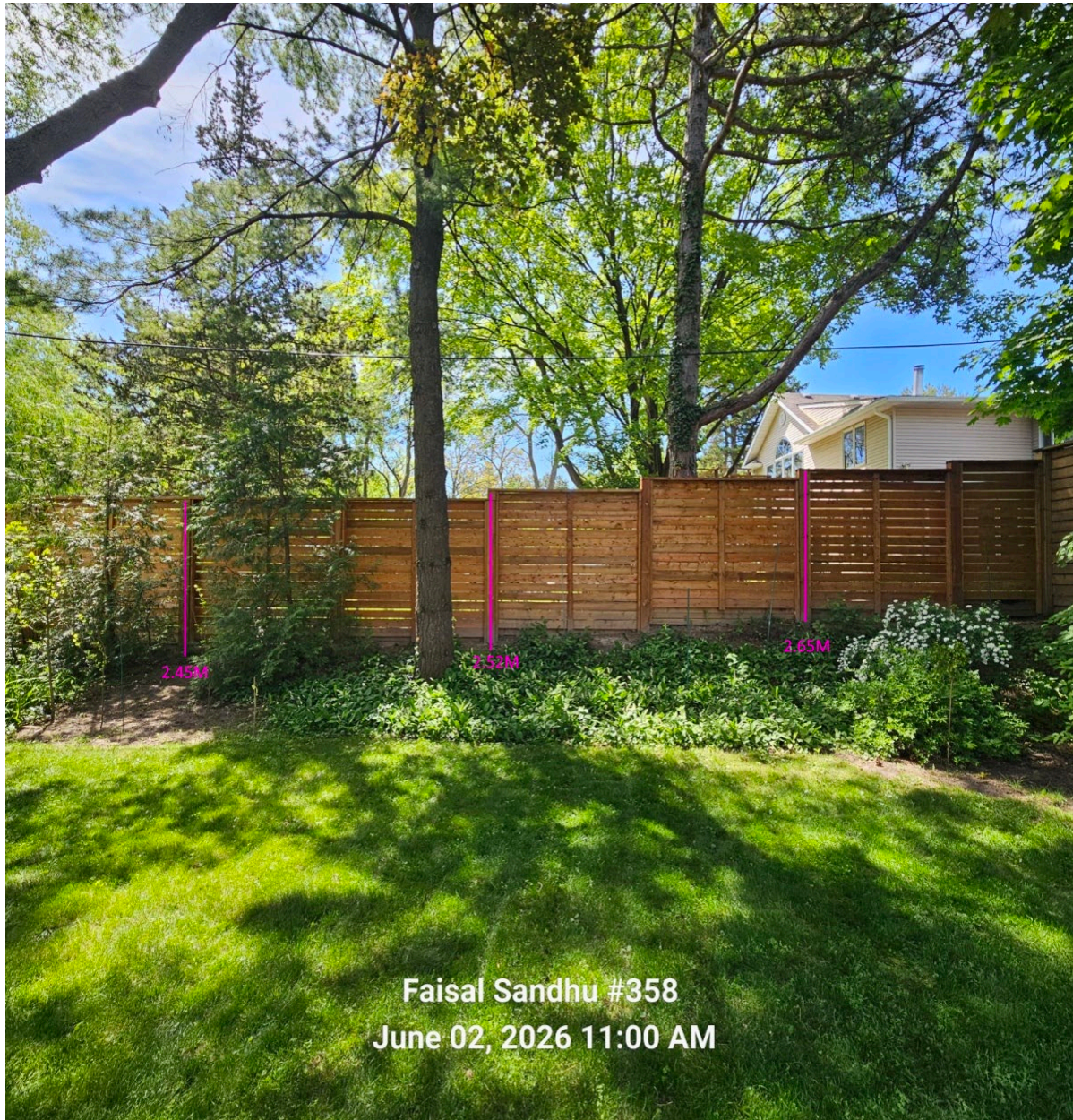


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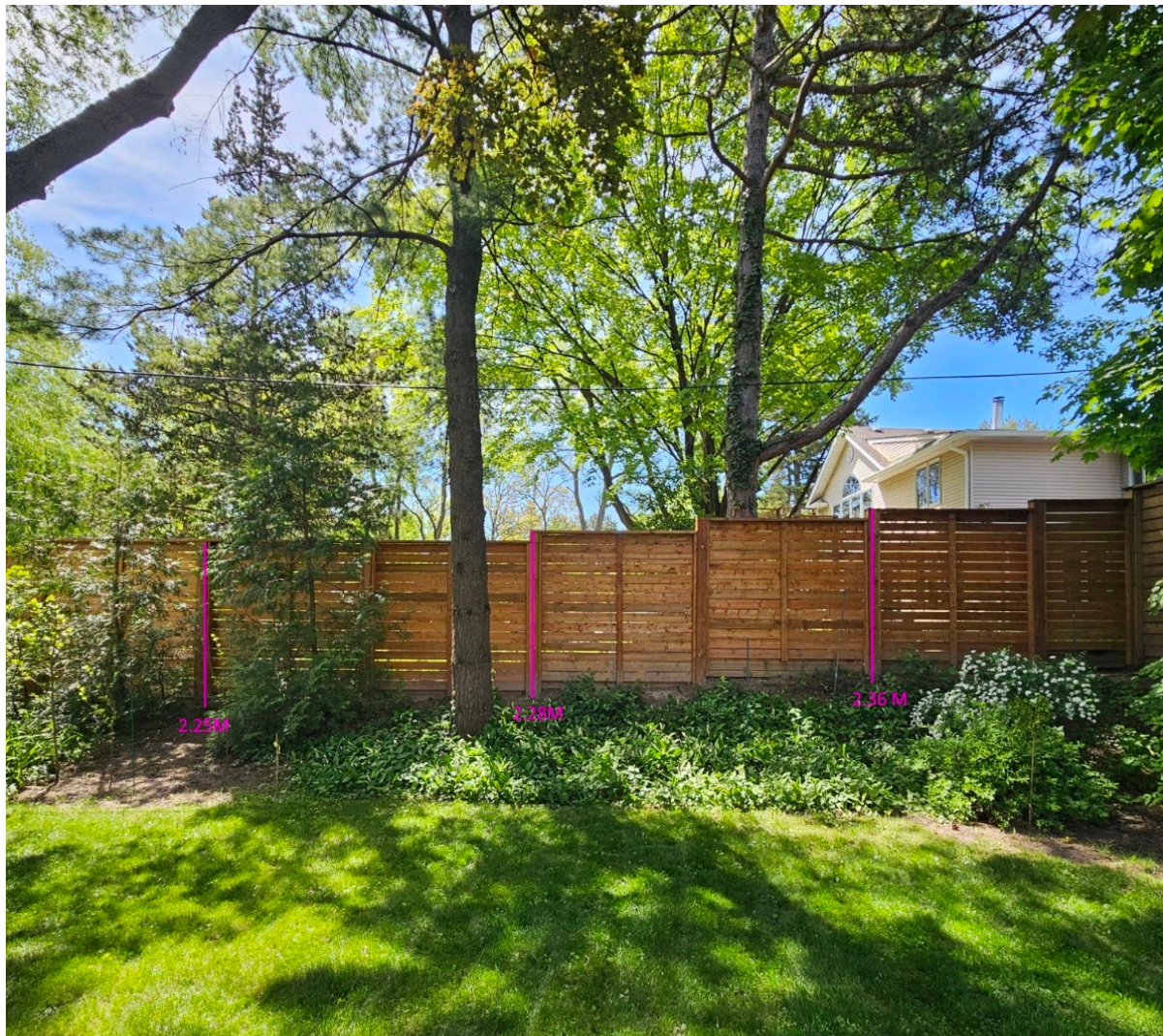
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