

## **Encroachment Appeal – 83 Forest Heights Boulevard**

**Date:** May 4, 2026

**To:** North York Community Council

**From:** Acting Director, Street Permits, Transportation Services

**Wards:** Ward 15, Don Valley West

### **SUMMARY**

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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 North York Community Council to consider an appeal submitted by the property owner of 83 Forest Heights Boulevard regarding their encroachment application. The encroachment consists of a wooden privacy fence that does not comply with City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

The property owner is seeking authority from North York Community Council to construct and maintain a wooden fence within the public right-of-way at 83 Forest Heights Boulevard, despite its non-compliance with the provisions of Chapter 743.

### **RECOMMENDATIONS**

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The Acting Director, Street Permits, Transportation Services recommends that:

1. North York Community Council authorize the General Manager of Transportation Services to enter into an encroachment agreement with the property owner of 83 Forest Heights Boulevard, to permit a wooden fence, subject but not limited to, the following conditions:

a. The property owner will indemnify the City 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 shall, at their owner expense, maintain the fence in a state of good repair to the satisfaction of the General Manager of 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 of Transportation Services may deem necessary in the interest of the City;
- d. The property owner will remove the fence upon receiving written notice from Transportation Services to do so;
- e. The fence shall not include spikes or pointed elements; and
- f. 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 encroachment.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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This report addresses a new initiative.

## **COMMENTS**

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An encroachment application was received on May 9, 2025, from the owners of 83 Forest Heights Boulevard requesting permission to construct a wooden privacy fence within the public-right-of-way along the flankage of the property on Forest Heights Boulevard. The proposed fence has a height of 2.13 metres.

The applicant was notified that the fence is not eligible for an encroachment agreement as it contravenes the City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of ("Chapter 743"). Specifically, the proposed fence is non-compliant with height requirements. The property owner subsequently submitted an appeal.

Transportation Services has reviewed the application and conducted a site assessment at 83 Forest Heights Boulevard. The proposed encroachment does not comply with the provision of Chapter 743, further detailed below:

- The proposed privacy wooden fence will be built to a height of 2.13 metres, which exceeds the maximum permitted height under Chapter 743, Section 743-34A(2)(a), which states, "A fence located within a street can be built to a maximum height of 1.20 metres for that portion of the fence fronting the property, and 1.80 metres for any fence located in the flankage of the property, provided that to ensure unobstructed driver and pedestrian sight lines."

In accordance with Section 743-48 of the Toronto Municipal Code, Transportation Services has responded to the appeal by preparing this report for consideration by the North York Community Council and to provide the applicant with an opportunity to be heard.

Transportation Services is of the opinion that a 2.13-metre-high wooden privacy fence will not have a negative impact on the public right-of-way, including pedestrian movements, vehicular traffic, or the City's ability to maintain the public right-of-way. Accordingly, Transportation Services recommends that North York Community Council authorize the encroachment in its proposed configuration, subject to the conditions outlined above.

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

A drawing of the proposed encroachment is provided in Attachment 1, appended to this report.

## **CONTACT**

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## **SIGNATURE**

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Nazzareno A. Capano, P. Eng.  
Acting Director, Street Permits, Transportation Services

## **ATTACHMENTS**

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Attachment 1: Drawing of Proposed Encroachment – 83 Forest Heights Boulevard

# Attachment 1: Drawing of Proposed Encroachment – 83 Forest Heights Boulevard

