



Bennett Jones

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Our File No.: 100499.00001

December 11, 2025

VIA ELECTRONIC MAIL [MLSEast@toronto.ca](mailto:MLSEast@toronto.ca)

Toronto Municipal Licensing & Standards  
The City of Toronto  
Toronto City Hall  
100 Queen Street West, 16<sup>th</sup> Floor, West Tower  
Toronto, ON  
M5H 2N2

Dear Sirs / Mesdames:

**Re: 237 Lord Seaton Road, Toronto, Ontario  
Fence Exemption Request**

We act on behalf of Rohit Mehra, the owner of 237 Lord Seaton Road, Toronto (the "**Property**") and are writing in support of their application for an exception to the City of Toronto's fence by-law, being Chapter 447 of the Municipal Code.

### **Request**

The application is to permit a screen located in the rear yard of the home. The screen is the length of deck in the rear yard (approximately 5.5 m long) and is required, pursuant to a decision of the Committee of Adjustment ("CoA") (as discussed further below), to be at a height of 2 metres measured from the floor of the deck on the south/east side of the property (the "**Screen**").

As will be set out in further detail below, neither our client, nor, depending on the day, the City, see any legal need for the Screen to require an exemption pursuant to Chapter 447. However, ML&S staff have held an inconsistent interpretation as it relates to the Screen and have threatened to charge our clients for the construction of the same, even though the Screen was built per City imposed conditions and with clear sign off from City Staff (including ML&S). While it is unclear how there could be a requirement for an exception in this case, my client has agreed to file an exception request with City Council as doing so is preferential to engaging in drawn out litigation against the City.

### **Screen a Condition Imposed by the Committee of Adjustment in Response to Neighbour**

The Screen came about as a result of a condition imposed by the CoA in response to a minor variance application for an existing deck (see decision of July 4, 2024 attached).

In the course of approving a minor variance, the CoA imposed a condition mandating the Screen in response to concerns raised by the abutting property owner relating to privacy. Specifically, the condition in question reads that:

"The owner is to provide 2 metres of opaque screening, across the length of the deck, measured from the floor of the deck, on the south/east side of the deck (on the 235 Lord Seaton Rd side)."

### **City Staff Confirmed Compliance with Chapter 447 Prior to Construction**

Prior to commencing construction of the Screen, my client made inquiries to the City to ensure that such Screen was in compliance with the City's by-laws. This led to a chain of events that can be summarized as follows:

- Fall 2024: My client inquired about the issuance of a building permit.
- November 2024: Toronto Buildings sent a general inquiry to ML&S as to whether a privacy screen greater than 2m would require an exemption application without contest to the CoA.
- On November 19, 2024 ML&S responds indicating that a fence exemption application is likely required but asks for details to confirm.
- November 20, 2024: our client provides the City with additional details, including a copy of the CoA decision, a physical description of the Screen, and some of the applicable provisions of Chapter 447. Included in the details were the location, height and length of the Screen.
- April 28, 2025: in response to numerous follow-ups by our client (and requests from Buildings), ML&S confirms, to both our client and Toronto Buildings that "The decision from the CoA below will stand as an exception to the fence by-law..." [underlining added].
- Based on this confirmation and their understanding that this provided grounds for the Screen to be legal, Buildings urged my client to get the Screen built as soon as possible.
- In reliance with this confirmation, (permit was already issued after the minor variance was granted) our client proceeded to construct the Screen.
- Buildings came out to review screening and deck to ensure conditions of permit were met.
- June 2025: construction permit closed.

### **Once Construction is Complete and Permit Closed City Changes its Position**

For reasons unknown to my client, after the deck and the fence was completed and the permits closed (including after an inspection by Buildings), ML&S wrote to my client asking to attend at the property

to "ensure that the conditions listed below" are "still being followed". The conditions then listed were the conditions set out of the Minor Variance decision, specifically:

"This decision is subject to the following condition(s):

1. The owner is to provide 2 metres of opaque screening, across the length of the deck, measured from the floor of the deck, on the south/east side of the deck (on the 235 Lord Seaton Rd side).
2. The rear deck remains as shown on the site plan drawing attached to this decision."

ML&S then attended at the property in October 2025. While nothing was said at the time, the result of this visit to the Property was a notice of violation being taped to the front door (with no other correspondence/communication after the initial site visit). At this point, it is important to point out that at no point has it been alleged that the Screen installed was any different from the Screen detailed as part of my client's November 20, 2024 information package to the City.

Instead, demonstrating that the attendance at the property was done on a false pretext, clearly just hoping to find something wrong - the basis for the notice of violation provided by ML&S had nothing to do with what was constructed, but rather was based on a claim that the Screen, which prior to construction was exempt from Chapter 447 was now, not considered exempt.

### **Application filed In Response to City's Change of Position**

In conclusion, this entire saga is quite disturbing. Having induced my client to build the Screen by confirming its legality, the City then conjured up a false pretext to further inspect the site and then proceeded to issue a notice of violation.

Seemingly oblivious to the impact such reckless (at best) behaviour has on the citizens of the City, ML&S's only "solution" is to either engage in lengthy and expensive litigation with my client, or to require my client to obtain an exemption from Chapter 447.

In this regard, and for greater certainty, our client is making this application as a practical means to resolve the issues. This application is being made without prejudice to our client's positions and rights as against the City. Should it come to it, my client will be pursuing all of the defenses and actions available to it against the City as a result of these unfortunate circumstances. Although this matter has already caused my client significant cost and distress. As noted above, my client has agreed to file this request in the spirit of disarming the situation.

We would ask that Council approve the exemption request that will further implement the decision of the CoA and address the privacy concerns raised by the neighbour.

December 11, 2025

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If Staff should have any questions or concerns, I would encourage them to reach out to me.

Yours truly,

**BENNETT JONES LLP**

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a cursive-style name.

Andrew Jeanrie

AJ/cmt  
Attachments



This cover page contains information about the contents of the document that follows.

**Name of document:**

Fence Exemption Application Form

**Overview:**

This document contains the application required to apply for a Fence Exemption.

**Who to contact for more information:**

If you would like more information or require this in an alternate format to be accessible, please contact the District Office that serves your area. Offices are open Monday to Friday, except statutory holidays. To determine which office serves your area, enter your address here. Otherwise, you may contact 311 for assistance.

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ML&S District Office	Telephone	Wards Served
<b>Central District</b> , 433 Eastern Avenue, Building B 1 <sup>st</sup> Floor; Toronto, ON M4M 1B7 Email Address: <a href="mailto:MLSCentral@toronto.ca">MLSCentral@toronto.ca</a>	416-397-4150	4, 9, 10, 11, 12, 13, 14, 19
<b>West District</b> , Etobicoke Civic Centre, 399 The West Mall, North Block, 3 <sup>rd</sup> floor; Toronto, ON M9C 2Y2 Email Address: <a href="mailto:MLSWest@toronto.ca">MLSWest@toronto.ca</a>	416-397-4150	1, 2, 3, 5, 6, 7, 8
<b>East District</b> , 1530 Markham Road, 3 <sup>rd</sup> Floor, Toronto, ON M1B 3G2 Email Address: <a href="mailto:MLSEast@toronto.ca">MLSEast@toronto.ca</a>	416-397-4150	15, 16, 17, 18, 20, 21, 22, 23, 24, 25

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**311 Toronto**

311 is open 24 hours a day, 7 days a week.

Email: [311@toronto.ca](mailto:311@toronto.ca)

Phone within Toronto: 311

Phone outside Toronto: 416-392-CITY (2489)

TTY customers: 416-338-0TTY (0889)

Web: [www.toronto.ca/311](http://www.toronto.ca/311)

### About Fence Exemption Permits

The purpose of this form is to apply for a Fence Exemption permit pursuant to Toronto Municipal Code Chapter 447, Fences. Upon receiving a completed application, Municipal Licensing and Standards (ML&S) will advise the Ward Councillor and prepare a staff report to the appropriate Community Council (CC) regarding the application.

### Notification to Neighbours

The City Clerk's office will notify the following residences of the date that a Fence Exemption application will be considered by the appropriate Community Council. ML&S will provide the applicant with a public notice with details of the community council hearing. The applicant is required to post this public notice in a visible location on the property 10 days prior to the community council meeting.

Location of Fence for Exemption	Notification Requirement
Rear yard fence	Adjoining owners
Front yard fence	60 metre radius
Flankage yard fence	60 metre radius

### What You Need to Apply

You can submit your completed application form in person or by mail. There are four ML&S district offices which can accept your application. **Only completed applications will be accepted**; and must include:

- a. A completed application form
- b. Site plan/drawings
- c. Photographs
- d. Letters of support from adjacent property owners
- e. The application fee. The current fee is \$200.00

The fee must be submitted at the district office for your ward (see page 1). All locations accept cash, cheques, and money orders. The District Office at 433 Eastern Ave also accepts credit and debit. Cheques must be addressed to, "Treasurer, City of Toronto".

**Fence Exemption**

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

**Applicant Information (Property Owner)**

First Name Rohit		Last Name Mehra	
Street Number 237	Street Name Lord Seaton Road		Suite/Unit Number
City/Town Toronto		Province Ontario	Postal Code M2P 1L2
Work Telephone Number	Mobile Telephone Number 416-986-1740		Email r-smehra@rogers.com

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

**Agent Contact Information (if applicable)**

Business Name Bennett Jones LLP			
First Name Andrew		Last Name Jeanrie	
Street Number One	Street Name First Canadian Place		Suite/Unit Number 3400
City/Town Toronto		Province Ontario	Postal Code M5X 1A4
Business Telephone Number 416-777-4814	Business Mobile Number		Business Email JeanrieA@bennettjones.com

**Fence Information**

Is the fence located on property where an active building permit is in place?	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Fence Location (Description should include, east side, rear yard, flankage yard et cetera). South side of rear yard, extending the length of deck		

Application Form  
**Fence Exemption**

Type of Fence (Describe materials used/to be used. Examples include wood, chain link, wrought iron, masonry, et cetera).  
Wood

Reason for request (Examples include privacy, security, safety, aesthetics).  
See attached

List the dimensions below, including height, depth of the columns and length of each section.  
Total Length - 18ft - 3 section approximately 6 ft each  
Height - Approx 11 ft  
Column Depth - 4ft

**Additional Information**

Have you received a Notice of Violation under the Fence Bylaw?  yes  no

If yes, please provide the Notice number: 25 252874 FEN 00 IV

**Authorized Signature**

I affirm that all the information is true and complete and that I understand and accept all conditions.

Applicant Signature

Date (yyyy-mm-dd)

2025-12-11

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. 2006, 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.

**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.

**Kyle Knoeck, M.Sc.Pl., MCIP, RPP**  
Director, Zoning and Secretary-Treasurer  
Committee of Adjustment  
City Planning Division

416-395-6446  
coa.ny@toronto.ca

Thursday, July 4, 2024

**REVISED NOTICE OF DECISION  
MINOR VARIANCE/PERMISSION  
(Section 45 of the Planning Act)**

**File Number:** A0524/23NY  
**Property Address:** 237 LORD SEATON RD  
**Legal Description:** PLAN 3563 LOT 50  
**Agent:** IANHALL PLANNING LTD  
**Owner(s):** SURINDER MEHRA ROHIT MEHRA  
**Zoning:** (RD (f15.0; a550) (x5))  
**Ward:** Don Valley West (15)  
**Community:** North York  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Thursday, July 4, 2024, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To legalize existing rear deck.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

- Chapter 10.5.40.50(4)(C), By-law 569-2013`**  
Platforms attached to or within 0.3m of a rear main wall, which are greater than 1.2m above the ground at any point below the platform, are limited to projecting 2.5m from the rear wall and may be no higher than the level of the floor from which it gains.  
The proposed rear deck projects 6.2m from the rear wall.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT: The Minor Variance Application is Approved on Condition**

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

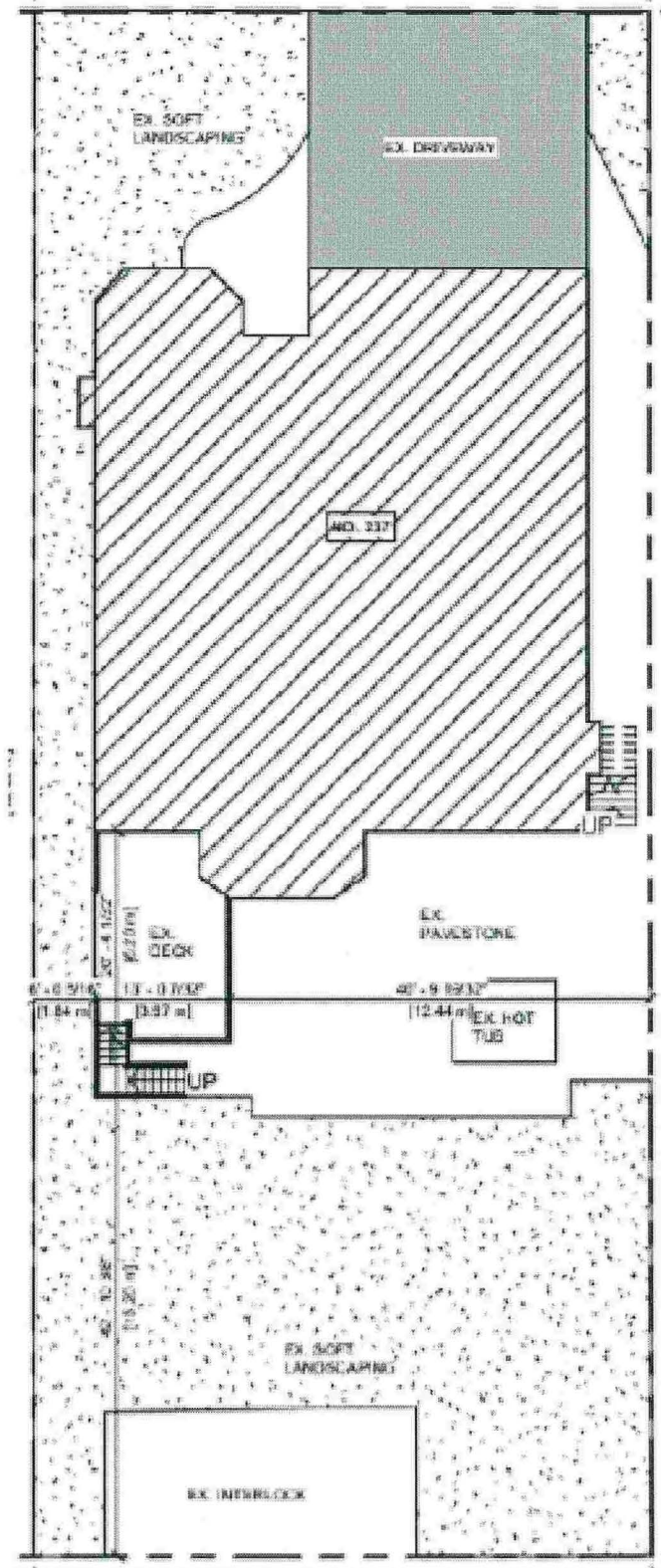
- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

1. The owner is to provide 2 metres of opaque screening, across the length of the deck, measured from the floor of the deck, on the south/east side of the deck (on the 235 Lord Seaton Rd side).
2. The rear deck remains as shown on the site plan drawing attached to this decision.

*Any other variance(s) that may appear on these plans but are not listed in the written decision are NOT authorized.*

# Attachment 1: Site Plan Drawing



**SIGNATURE PAGE**

**File Number:** A0524/23NY  
**Property Address:** 237 LORD SEATON RD  
**Legal Description:** PLAN 3563 LOT 50  
**Agent:** IANHALL PLANNING LTD  
**Owner(s):** SURINDER MEHRA ROHIT MEHRA  
**Zoning:** (RD (f15.0; a550) (x5))  
**Ward:** Don Valley West (15)  
**Community:** North York  
**Heritage:** Not Applicable



JORDAN ALLISON (signed)



SHAHIN FAZELI (signed)



CAROL MARTIN (signed)

M. Cassin

MARIANNE CASSIN (signed)



GIUSEPPE BARTOLO (signed)

DATE DECISION MAILED ON: Thursday, July 11, 2024

LAST DATE OF APPEAL: Wednesday, July 24, 2024

CERTIFIED TRUE COPY

Sai-Man Lam

Manager and Deputy Secretary-Treasurer

## Appeal Information

Only the applicant, the Minister, or a specified person or public body that has an interest in the matter may appeal this decision.

All appeals must be filed by e-mail with the Deputy Secretary-Treasurer, Committee of Adjustment to [coa.ny@toronto.ca](mailto:coa.ny@toronto.ca) and [sai-man.lam@toronto.ca](mailto:sai-man.lam@toronto.ca) by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal to the Ontario Land Tribunal (OLT) for the same matter.

A related appeal is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal should be submitted in accordance with the Ontario Land Tribunal (OLT) appeal instructions.

### **TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS**

To appeal this decision to the TLAB, you must submit the following:

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary-Treasurer you will receive payment instructions.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### **ONTARIO LAND TRIBUNAL (OLT) APPEAL INSTRUCTIONS**

To appeal this decision to the OLT, you must submit the following:

- A completed OLT Appellant Form (A1).
- \$400 for each appeal type with an additional fee of \$25 for each connected appeal of the same type filed by the same appellant.
- Fees are payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the Minister of Finance. If you would like to pay the fee by credit card, please indicate this on the appeal form and staff will phone you to complete the transaction – do not record any credit card details on the appeal form.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the OLT website at <https://olt.gov.on.ca/appeals-process/>

**METRIC**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**SURVEYOR'S REAL PROPERTY REPORT**

PLAN OF SURVEY OF  
**LOT 50**  
**REGISTERED PLAN 3563**  
CITY OF TORONTO  
(FORMERLY CITY OF NORTH YORK)

SCALE 1 : 250



© COPYRIGHT, TARASICK McMILLAN KUBICKI LIMITED, 2023

**REPORT SUMMARY**

PROPERTY DESCRIPTION: 237 LORD SEATON ROAD, BEING LOT 50, REGISTERED PLAN 3563, CITY OF TORONTO (FORMERLY CITY OF NORTH YORK), PIN 10098-0049

EASEMENTS/RIGHTS-OF-WAY: THERE ARE NO EASEMENTS REGISTERED ON TITLE.

COMMENTS: NOTE LOCATION OF FENCES

**LEGEND**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- CC DENOTES CUT CROSS
- P1 DENOTES PLAN BA-1768
- P2 DENOTES REGISTERED PLAN 3563
- P3 DENOTES H. PILLER CORPORATION LTD., O.L.S., FEB. 28, 1990
- P4 DENOTES OTTO ERTL O.L.S., AUG. 15, 1997
- P5 DENOTES REGISTERED PLAN M-866
- PC DENOTES POINT OF CURVE
- WUP DENOTES WOOD UTILITY POLE
- DENOTES DECIDUOUS TREE WITH TRUNK DIAMETER
- ⊙ DENOTES CONIFEROUS TREE WITH TRUNK DIAMETER

**PREPARED FOR:**

THIS REPORT WAS PREPARED FOR ROHIT MEHRA AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON MAY 30, 2023

JUNE 7, 2023

DATE

JACKIE HANG  
ONTARIO LAND SURVEYOR

**TARASICK McMILLAN KUBICKI LIMITED**

ONTARIO LAND SURVEYORS

4181 SLADEVIEW CRESCENT, UNIT 42, MISSISSAUGA, ONTARIO L5L 5R2  
TEL: (905) 569-8849 FAX: (905) 569-3160  
E-MAIL: office@tmksurveyors.com

DRAWN BY: T.N.

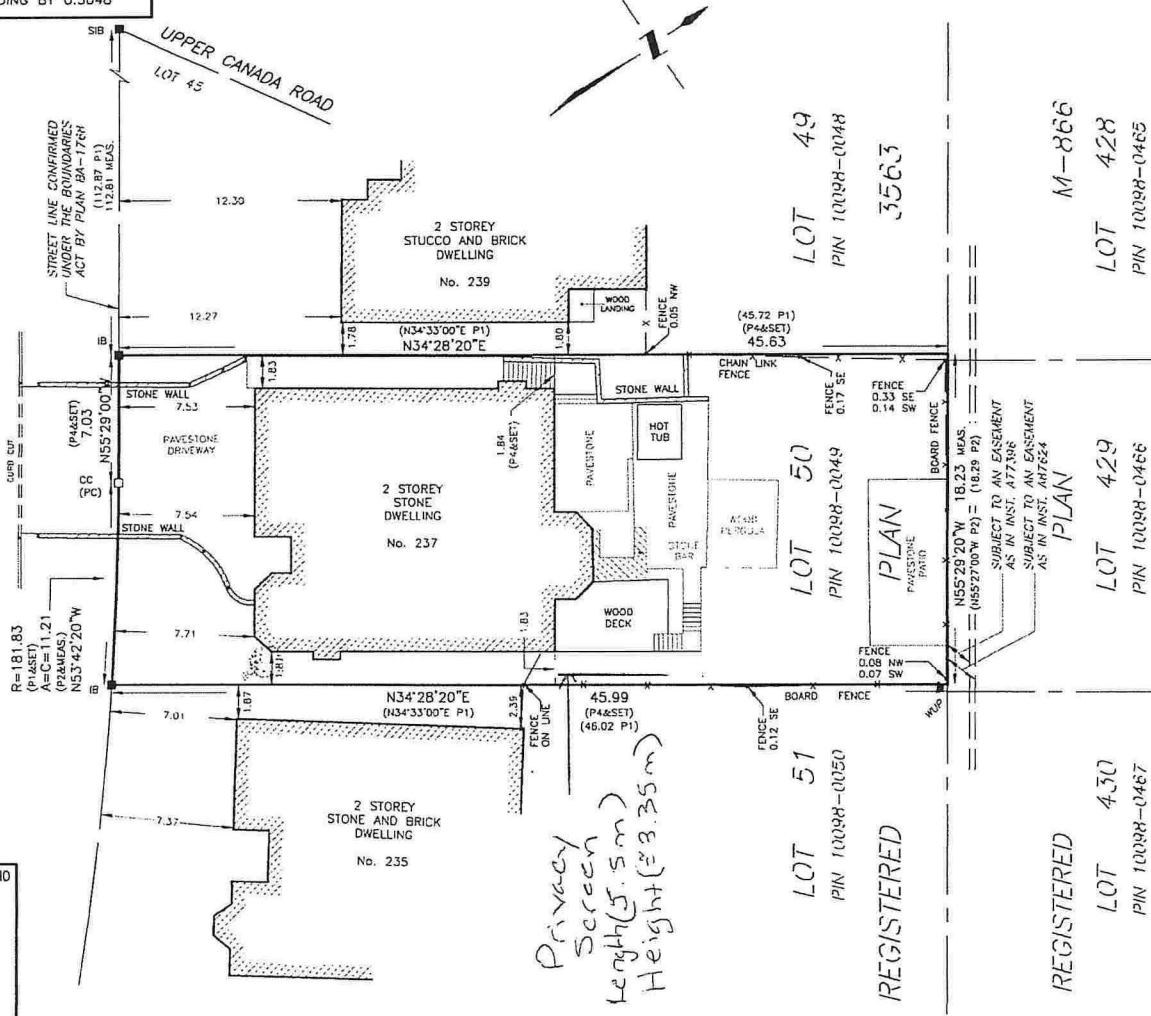
FILE No. 9789-SRPR

**LORD SEATON ROAD**  
(FORMERLY WILLOWDALE BOULEVARD BY REGISTERED PLAN 3563)  
(NAME CHANGED BY BY-LAW 11901)  
PIN 10098-0417

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
V-50954



THIS PLAN IS NOT VALID UNLESS IT IS AN EMBROSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3)



*Privacy Screen  
Length (5.5m)  
Height (3.35m)*

**BEARING NOTE**

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHEASTERLY LIMIT OF LORD SEATON ROAD AS SHOWN ON PLAN BA-1768, HAVING A BEARING OF N55°29'00\"/>