

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 388 Beresford Avenue

Date: March 5, 2026

To: Toronto East York Community Council

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

Wards: 4 Parkdale-High Park

SUMMARY

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

This report responds to an application submitted by the property owner of 388 Beresford Avenue requesting approval for a site-specific Fence Exemption under Section 447-1.2B(1) of Toronto Municipal Code Chapter 447 – Fences.

The property owner is seeking Council’s permission to maintain an existing wood fence and gate with vertical boards, including its posts, with heights ranging from approximately 2.45 metres to 2.49 metres. The existing fence does not comply with the fence height standards prescribed in Chapter 447, which limit the height of fences in residential areas. Municipal Licensing and Standards staff conducted an inspection and confirmed that the fence exceeds the maximum permitted height for the property. As a result, a Fence Exemption is required for the fence to remain in its current form.

RECOMMENDATIONS

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

1. Refuse to grant the application for exemption by the owner of 388 Beresford Avenue 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 conducted an inspection of the property located at 388 Beresford Avenue on April 2, 2025. Following this inspection, a Notice of Violation was issued to the property owner for non-compliance with the City of Toronto Municipal Code, Chapter 447 – Fences.

On November 12, 2025, the property owner submitted a Fence Exemption Application requesting relief from the bylaw requirements.

The existing fence located at 388 Beresford Avenue does not comply with the provisions of Municipal Code Chapter 447-1.2 B(1), which governs maximum fence height.

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 fence on the property exceeds the permitted height when measured in accordance with this standard.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT
Rear Yard	Rear Yard	Maintain existing wood fence and gate with vertical boards exceeding 2.0 meters in height	Chapter 447 Section 447-1.2 B (1) A fence must not be more than 2.0 meters in height

CONTACT

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SIGNATURE

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Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: iView Map of Property – 388 Beresford Avenue - City of Toronto.

Attachment 2: North Side Wood Gate. Photograph taken by the attending Officer 388 Beresford Avenue.

Attachment 3: South Side of Wood Fence. Photograph taken by the attending Officer 388 Beresford Avenue.

Attachment 4: North Side of Wood Fence and Gate. Photograph taken by the attending Officer 388 Beresford Avenue.

Attachment 5: West-facing photograph showing both the North and South side views of the wood fence. Photograph taken by the attending Officer 388 Beresford Avenue.

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Attachment 5: West-facing photograph showing both the North and South side views of the wood fence. Photograph taken by the attending Officer 388 Beresford Avenue.

