

409 Gilbert Avenue - Application for Fence Exemption

Date: May 21, 2026

To: Toronto and East York Community Council

From: Central District Manager, Investigation Services, Municipal Licensing and Standards

Wards: Ward 09 – Davenport

SUMMARY

The Applicant for 409 Gilbert Avenue has requested Toronto and East York Community Council to exempt their property from the following by-law requirements:
City of Toronto Municipal Code Chapter 447 Section 1.2.B(1) fence in rear yard not to exceed 2.0 metres in height

The Applicant for 409 Gilbert Avenue is requesting an exemption for their;

Existing wooden fence in rear yard to remain:

- Rear fence – Northern lot line 1st fence panel is a height of 3.18 metres at a length of 1.31 metres
- Rear fence – Northern lot line 2nd fence panel is a height of 2.85 metres at a length of 1.31 metres
- Rear Fence - The average height of both fence panel at the Northern property line is 3.01 metres

Proposed wooden fence in front yard:

- Front yard – Northern lot line at 2 metres in height for 1.82 metres in length

Municipal Licensing and Standards Division has inspected the subject property and issued a notice of violation of City of Toronto Municipal Code Chapter 447 Section 1.2.B(1) fence in rear yard not to exceed 2.0 metres in height

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, Central District recommends that Toronto and East York Community Council pursuant to City of Toronto Municipal Code Fences Chapter 447 Section 1.2.B(1) fence in rear yard not to exceed 2.0 metres in height

1. Refuse to grant an exemption to Chapter 447, Fences, to the property owner of 409 Gilbert Avenue for the existing fence described in the Summary of this report.

FINANCIAL IMPACT

There is no financial impact to the City of Toronto.

DECISION HISTORY

There are no previous Fence Exemption decisions on 409 Gilbert Avenue

COMMENTS

Municipal Licensing and Standards Inspection Results:

The existing fence violates the City of Toronto Municipal Code, Chapter 447 – Fences requirements.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT*
Rear Yard	Rear fence – Northern lot line	Fence height is currently 3.18 metres for 1 st fence panel and 2 nd fence panel is a height of 2.85. The Average height is 3.015 metres which exceeds the 2 metres allowed in the bylaw.	Chapter 447 Section 1.2. B (1) – Restrictions on Fences; Height Maximum allowable height is 2 metres.
Front Yard	Front fence – Northern lot line	Fence height is currently 2 meters in height and located within 2.4 meters of lot line exceeding the 1.2 meters allowed in the bylaw.	Chapter 447 Section 1.2. B (1) – Restrictions on Fences; Height Maximum allowable height is 1.2 metres.

City of Toronto Municipal Code, Chapter 447 Fences Bylaw set out the requirements in respect to the health, safety and well-being of persons in the City of Toronto regarding structures, including fences. Among other requirements, Chapter 447 sets out requirements for maximum fence heights depending on where the fence is located on the property, as well as if the fence is on a residential or non-residential property. There are

also specific height maximums for hedges, shrubs and other vegetation that acts as a fence.

Item	Description of Fence	Fence on Single or Multiple residential property	Fence on non-residential property	Hedge, shrub, or other vegetation that acts as fence
1	Fence in a front yard; and within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)	1.2 metres	1.2 metres	1.2 metres
2	Fence in a front yard; and not within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)	2.0 metres	2.0 metres	No maximum
3	Fence not in a front yard; and within 2.4 metres of a side lot line abutting a public highway (public highway does not include a public lane); and within 2.4 metres of a driveway	2.0 metres	2.0 metres	2.0 metres
4	Fence not in a front yard; and between 2.4 metres from a side lot line abutting a public highway (public highway does not include a public lane) and the nearest wall of the main building extended to the rear lot line; and within 2.4 metres of a driveway	2.0 metres	2.5 metres	No maximum
5	Fence on an unroofed deck; and not in a front yard; and not within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)	2.0 metres	2.0 metres	No maximum
6	Fence not in a front yard that also is not a fence under Items 3, 4 or 5 of this Table; and abutting a multiresidential property, a non-residential property, a public highway or a public walkway	2.5 metres	2.5 metres	No maximum
7	Fence abutting a rapid transit right of way	2.5 metres	No maximum	No maximum
8	Fence for a tennis court, a baseball diamond or other recreational facility	3.0 meters	No maximum	No maximum
9	Any other fence	2.0 metres	2.5 metres	No maximum

City Council Decisions

May 22, 23, and 24 2018, City Council adopted the following:

1. City Council amend Chapter 447, Fences, to allow fences that are located in a front yard between two private properties to be a maximum of 2.0 metres in height and specify that this does not apply to fences within a 2.4 metre distance from a front lot line.
2. City Council amend Chapter 447, Fences, to remove maximum height requirements for any hedge, shrub, or other vegetation that acts as a fence, except when the hedge, shrub, or vegetation is within a 2.4 metre distance from a lot line abutting a public highway, other than a public lane

CONTACT

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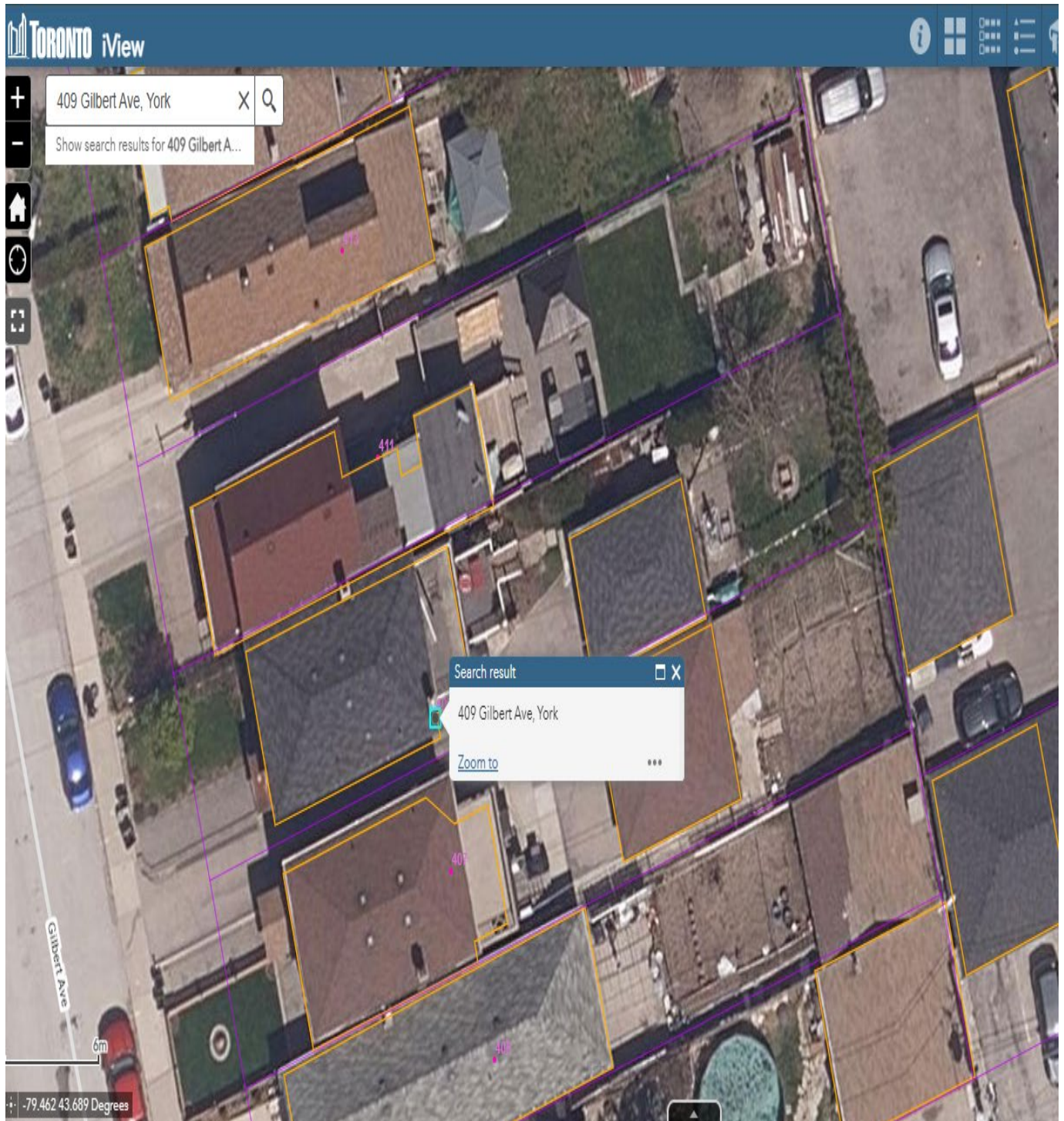
SIGNATURE

Cameron Culver - Central District Manager
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ATTACHMENTS

- Attachment 1: iView Map of Property – 409 Gilbert Avenue - City of Toronto
- Attachment 2: Geospatial Information System (GiS) – 409 Gilbert Avenue
- Attachment 3: Overview of rear yard
- Attachment 4: Rear fence post – Northern lot line first panel post from rear deck
- Attachment 5: Rear fence – Northern property line second panel overview
- Attachment 6: Rear fence – Second panel Northern lot line zoomed measurement confirmation
- Attachment 7: Overview of front yard Northern Property Line
- Attachment 8: Proposed Height of 2 metres for fence in front yard.
- Attachment 9: Zoomed In measurement for height of proposed fence in front yar

Attachment 1: iView Map of Property – 409 Gilbert Avenue - City of Toronto



Attachment 2: Geospatial Information System (GiS) – 409 Gilbert Avenue



Attachment 3: Overview of rear yard Northern property line



Attachment 4: Rear fence post – Northern lot line first panel post from rear deck



Attachment 5: Rear fence second panel – Northern lot line measurement



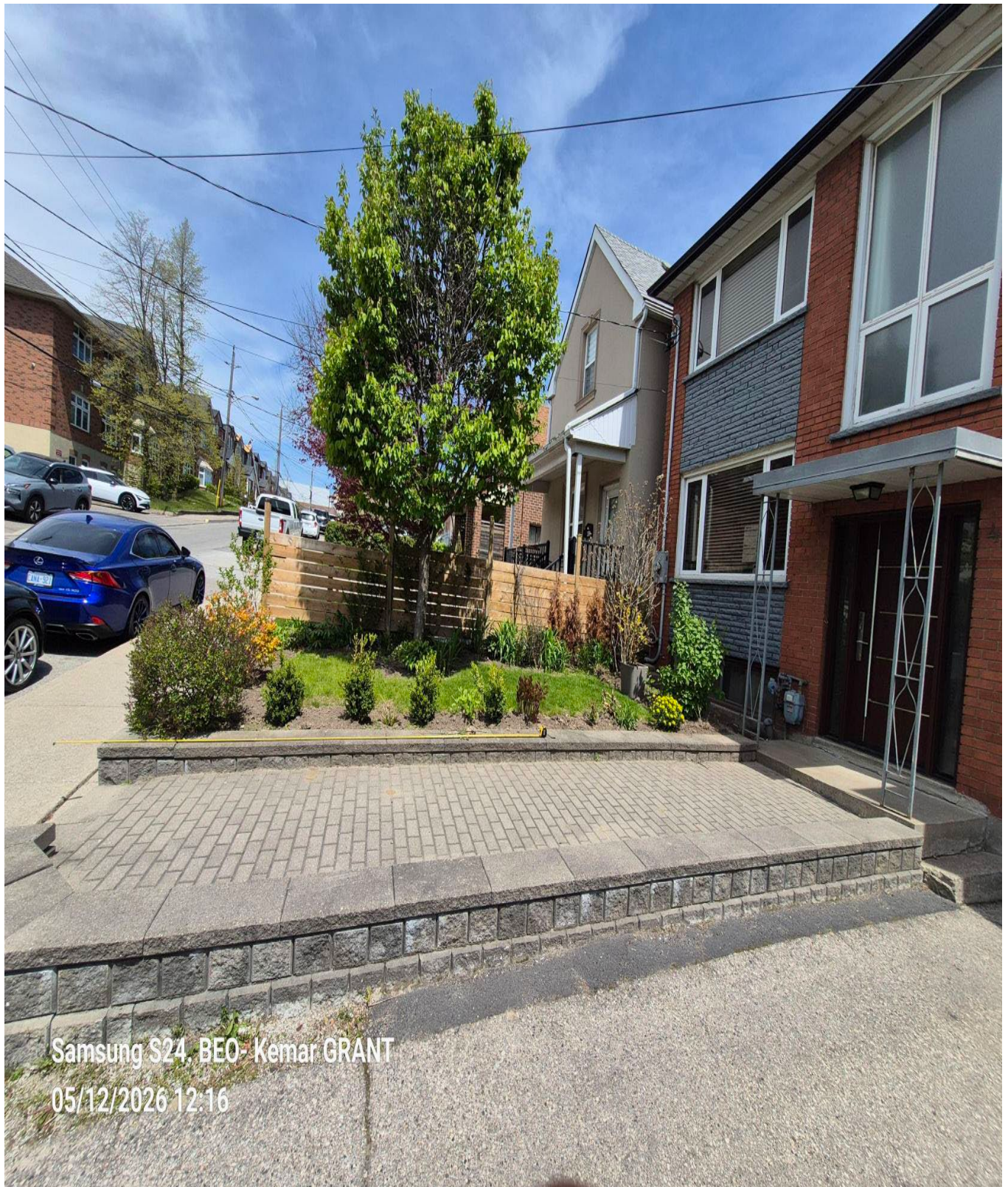
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Attachment 6: Rear fence second panel – Northern lot line zoomed measurement confirmation



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Attachment 7: Overview of front yard Northern Property Line



Attachment 8: Proposed Height of 2 metres for fence in front yard.



Attachment 9: Zoomed In measurement for height of proposed fence in front yard



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