

City of Mississauga
Corporate Report



<p>Date: January 5, 2022</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works</p>	<p>Meeting date: March 9, 2022</p>

Subject

Fence Exemption at 2205 Harcourt Crescent, Ward 1

Recommendation

That the request for an exemption to the Fence By-law 397-78, as amended, to permit a front yard fence greater than 1 metre (39 inches) in height within 4.5 metres (14 feet, 9 inches) of the nearest street line at 2205 Harcourt Crescent, *be denied*, as outlined in the report from the Commissioner of Transportation and Works, dated January 5, 2022, and entitled "Fence Exemption at 2205 Harcourt Crescent, Ward 1".

Background

On September 17, 2018, Compliance and Licensing Enforcement staff received a complaint concerning the fence located in the front yard of 2205 Harcourt Crescent, a residential property with a single-family dwelling owned by Mr. Perry Elia and Ms. Christina Dobilas.

On September 19, 2018, Enforcement staff investigated the property and determined that an oversized fence did exist in the front yard of the residential property measuring, 1.78 metres (71 inches) in height from effective ground level, exceeding the maximum permitted height of 1 metre (39 inches) for a closed construction fence, in contravention of Section 5(1) of the Fence By-law 397-78, as amended.

Attached as Appendix 1, is an aerial photograph of the subject property and the surrounding properties.

Attached as Appendix 2, are photographs of the fence taken by Enforcement staff.

A Notice of Contravention was issued to Perry ELIA and Christina DOBILAS, the property owners, on August 27, 2019 requiring compliance with the By-law by September 27, 2019.

On January 28, 2020, the registered owners applied for an exemption to the Fence By-law 397-78, as amended, to permit the front yard fence be greater than 1 metre (39 inches) in height within 4.5 metres (14 feet, 9 inches) of the nearest street line (Appendix 3). Subsequently, Mr. Elia was informed that his fence exemption application could not be accepted, as it did not include the required consent from all of the abutting neighbors, which is a requirement under Section 13(2)(e) of the Fence By-law 397-79, as amended.

In response to further follow-up inquiries from Mr. Elia, he was advised on November 1, 2019 that if he wished to pursue his fence exemption before Council, he would be required to provide his request in writing, along with any supporting documentation, in order for a report to be prepared for General Committee to consider.

Comments

Compliance and Licensing Enforcement staff received email correspondence from Mr. Elia outlining the rationale for the fence exemption, namely for privacy and safety (Appendix 4).

Compliance and Licensing Enforcement staff inspected the property on January 6, 2022, and found no change regarding the status of the fence. See attached photos (Appendix 5).

Financial Impact

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

Conclusion

Compliance and Licensing Enforcement staff recommend that the fence exemption request be denied due to complaints by area residents and the non-compliance with the mandatory requirement to have consent from all abutting neighbours under the Fence By-law 397-78, as amended.

Attachments

- Appendix 1: Aerial Photographs of 2205 Harcourt Crescent
- Appendix 2: Photographs of the Fence Dated September 19, 2018
- Appendix 3: Fence Exemption Application
- Appendix 4: Correspondence from Property Owner
- Appendix 5: Photographs of the Fence Dated January 6, 2022



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works
Prepared by: Chris Giles, Manager, Compliance and Licensing Enforcement