

Jurisdictional Research

Summary

Brampton

As a partner municipality in the Region of Peel, Brampton shares a similar by-law enforcement framework and faces comparable challenges. Among the jurisdictions scanned, Brampton is unique in that it regulates fences through its Zoning By-law. Fences not located within a front yard or sight triangle are restricted to a maximum height of 2 metres. However, height restrictions do not apply to fences made of hedges, shrubs, or trees, provided they are well maintained. Since fences are regulated through the Zoning By-law, exemption requests are submitted to the Committee of Adjustment.

Hamilton

Hamilton is comparable in population and has a similar by-law enforcement structure and related challenges. Fences are regulated by Hamilton's Fence By-law 10-142, which was enacted in 2010. Fences not located within a front yard or sight triangle are restricted to 2 metres in height. Height is not restricted for fences made of hedges, shrubs, or trees, as long as they are properly maintained. Although fences are regulated through a stand-alone by-law, exemption requests are processed through their Zoning By-law.

Mississauga

Fences are regulated by Fence By-law 0397-1978, which was enacted in 1978 and has since undergone minimal amendments. Fences not located in a front yard or sight triangle are restricted to a height of 2 metres. This includes fences made of hedges, shrubs, or trees. Fence exemption requests must be submitted through an application process that includes a property survey, site plan, construction specifications, consent from abutting neighbours, and payment of the applicable fee.

Ottawa

Ottawa is comparable in population, by-law enforcement structure, and by-law issues. Fences are regulated by Fence By-law 2003-462, enacted in 2003 and amended in 2018 to address definitions, height restrictions, and general requirements. Fences not located within a front yard or sight triangle are restricted to 2.13 metres in height. Height is not restricted for fences made of hedges, shrubs, or trees, as long as they are well maintained. Fence exemptions are submitted through a letter to the Director of By-law Services and must demonstrate that it is necessary for public safety.

Toronto

Toronto, as a neighbouring municipality, shares comparable by-law enforcement challenges and structure. Fences are regulated under Municipal Code Chapter 447 – Fences. Among the

jurisdictions scanned, this by-law is the most recently enacted, coming into effect in July 2021. Fences not located within a front yard or sight triangle are limited to a height of 2 metres. Height restrictions do not apply to fences made of hedges, shrubs, or trees located outside the front yard and within 2.4 metres of a side lot line abutting a public highway and the nearest wall of the main building (extended to the rear lot line), or within 2.4 metres of a driveway, provided the fence is well maintained. Exemption requests are to be presented to community council for the geographical area and must include site plans, drawings, photographs, and the applicable fee.

Regulatory Comparisons

Definition of Fence

Brampton	Is not defined in the Zoning By-law
Hamilton	<p>(a) a railing, wall, line of posts, wire, gate, boards, pickets, latticework, or any combination thereof, or other similar erection used for the purposes of enclosing or dividing in whole or in part a lot, establishing a lot line or providing privacy; and</p> <p>(b) a hedge or grouping of shrubs used for the purposes listed in subsection (a) located in a corner visibility triangle or a driveway visibility triangle or within 3.0m of a street line,</p> <p>but does not include:</p> <p>(c) any vegetation, including a hedge or grouping of shrubs used for the purposes listed in subsection (a), not located in a corner visibility triangle or a driveway visibility triangle or within 3.0m of a street line; or</p> <p>(d) a see-through screen erected to contain a recreational activity such as a chain-link fence erected around a tennis court</p>
Mississauga	Includes a railing, wall, hedge, line of posts, shrubs, trees, wire, gate, boards, pickets or other similar substances, used to enclose or divide in whole or in part a yard or other land, to establish a property boundary, or to provide privacy
Ottawa	Means any freestanding structure, wall or barrier other than a building, erected at grade for the purpose of delineating the boundaries of a property, restricting ingress to or egress from a property, or providing security or protection to property, and does not include a hedge
Toronto	A barrier, including one for noise attenuation, or any structure, except a structural part of a building, that wholly or partially screens from view, encloses or divides a yard or other land, or marks or substantially marks the boundary between adjoining land, and includes any hedge or shrub that has the same effect.

Fence Height

FENCE ON ANY YARD IN ANY LAND USED FOR RESIDENTIAL PURPOSES				
Brampton	Hamilton	Mississauga	Ottawa	Toronto
2 metres	2 metres	2 metres	2.13 metres	2 metres

HEDGE, SHRUB, OR TREES THAT ACT AS A FENCE NOT IN A FRONT YARD OR SIGHT TRIANGLE				
Brampton	Hamilton	Mississauga	Ottawa	Toronto
No maximum	No maximum	2 metres	No maximum	No maximum*
*Between 2.4 metres of a side lot line abutting a public highway and the nearest wall of the main building extended to the rear lot line; and within 2.4 metres of a driveway				

FENCE ON ANY LAND IN THE FRONT YARD USED FOR RESIDENTIAL PURPOSES				
Brampton	Hamilton	Mississauga	Ottawa	Toronto
1 metre	0.9 metres	1 metre <i>Solid type construction</i>	1 metre	1.2 metres <i>Within 2.4 metres of a lot line abutting a public highway</i>
0.8 metres <i>In a visibility triangle</i>		1.5 metres <i>Open construction type</i>	0.75 metres <i>In a visibility triangle</i>	2.0 metres <i>Not within 2.4 metres of a lot line abutting a public highway</i>

Penalties

Brampton	Hamilton	Mississauga	Ottawa	Toronto
Provincial Offences	Provincial Offences	Provincial Offences	Provincial Offences	Provincial Offences
No Part I penalty through the Zoning By-law	Varies by violation type Part I \$250 + \$60 VFS \$325 + \$75 VFS \$350 + \$75 VFS \$425 + \$95 VFS	Part I \$305 + \$75 VFS	Part I \$205 + \$50 VFS	Part I: \$305 + \$75 VFS
Not more than \$25,000 Part III through the Planning Act	Part III Not more than \$10,000	Part III Not more than \$5,000	Part III Not more than \$5,000	Part III Not more than \$100,000
VFS – Victim Fine Surcharge				