

# Confidential

## Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division

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**To:** Mayor and Members of Council

**CC:** Francesco Santaguida, Commissioner of  
Legal and Enforcement Services/Town  
Solicitor

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**From:** Andre Gratton, Sr. Manager of Enforcement  
Services

**Date:** August 23, 2024

**File #:** N/A

**Subject:** Fence By-law Exemption request for 1  
Glencedar Crescent

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Staff have received the August 9, 2024 Fence By-law height exemption request of Mark Challenger of 1 Glencedar Crescent. The request letter is included as **Attachment # 1** to this memorandum. Mr. Challenger is requesting a height exemption for his rear yard fence beyond 2.2 metres, or 7 feet 2 inches to construct a fence of up to 2.4 metre, or 8 feet.

### Background

Staff responded to a complaint of a hedge which obstructs a sidewalk. Staff educated the property owner on the complaint received and applicable Encroachment By-law. The owner had several discussions with staff and indicated that he would remove the hedge. Staff and the owner noted that pruning may cause health and safety concerns as removing the vegetation would expose sharp stems. Staff have been working with the resident to encourage voluntary compliance and have given several time extensions to comply with the provisions of the by-law.

The owner has indicated that he wishes to install an 8-foot fence in place of the hedge once the hedge has been removed.

1 Glencedar is a corner lot which fronts onto Glencedar and Bridgewater Avenue. The hedge in question runs parallel with Bridgewater Avenue and lines the backyard of the residence (**See Figure # 1**).

**Figure 1**



### **Staff Comments**

As the hedge in question does not border an adjacent property this request does not need to be calculated to any neighbouring properties. Staff do not have any opposition to the 8-foot fence request but recommend that the fence should only be erected in the backyard portion of the yard (directly replacing the existing hedge) and be placed onto Mr. Challengers property. It should be noted that, any replacement or repairs required to the fence in the future would be the responsibility of the owners of 1 Glencedar Crescent.

### **Next Steps**

Should a Member of Council wish to have this request considered by Council, please contact the Town Clerk or Deputy Town Clerk to have this matter added to a Council or Committee Agenda. If the request is not pulled by a Member of Council by September 6, 2024, staff will consider Mr. Challengers' request denied.

Any questions related to this matter may be directed to the Author or the Commissioner of Legal and Enforcement Services/Town Solicitor.

Dear Whitby Council,

I am writing to request an exemption to the current fence by-law. I have been asked to comply with a by-law complaint to trim my hedge along the sidewalk at 1 Glencedar acres, and I am in the process of complying with this request.

Since the hedge is so large, trimming it has killed it, so I am removing it permanently. To ensure my family has privacy, since my backyard is on a slope, I plan to install an 8 ft. fence, which is higher than the current by-law permits.

Can you tell me what the process is for moving forward with the by-law exemption request? I have spoken to both of my adjacent neighbors and they are currently happy with my plan.

Thank You.

Mark Challenger

