

Clause embodied in Report No. 1 of the Toronto East York Community Council, as adopted by the Council of the City of Toronto at its regular meeting held on February 4, 5 and 6, 2003.

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**Maintenance of Wrought Iron Fence -  
1317 - 1325 Queen Street East  
(Toronto-Danforth, Ward 30)**

*(City Council at its regular meeting held on February 4, 5 and 6, 2003, adopted this Clause, without amendment.)*

**The Toronto East York Community Council recommends the adoption of the report (December 30, 2002) from the Manager, Right of Way Management, Transportation Services, District 1.**

Purpose:

To report on a request to maintain a 1.35 m high wrought iron fence within the public right of way fronting 1317-1325 Queen Street East, which exceeds the maximum height of 1.0 m under Chapter 313 of the former City of Toronto Municipal Code. As this is a request for a variance to the by-law, it is scheduled as a deputation.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that City Council approve the maintenance of the 1.35 m high wrought iron fence fronting 1317-1325 Queen Street East, subject to the property owner entering into an encroachment agreement with the City of Toronto, as prescribed under the provisions of Chapter 313 of the former City of Toronto Municipal Code.

Comments:

Mr. Gary Holmes, c/o 589524 Ontario Limited, 180 Parkview Hill Crescent, Toronto, Ontario M4B 1R8, owner of 1317-1325 Queen Street East, submitted an application requesting permission to maintain a 1.35 m high wrought iron fence within the public right of way fronting 1317-1325 Queen Street East. A copy of the property data map is shown on Appendix 'A'.

The construction and maintenance of fences within the public right of way are governed under the criteria as set out in Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code, which provide for fences to be constructed to a maximum allowable height of 1.9 m on the flank of a property and up to 1.0 m in height in front of a property, and are considered to be neither hazardous nor unsightly in appearance. In addition, fences must be set back 0.46 m from the rear edge of the City sidewalk, or a minimum of 2.1 m from the curb where no sidewalk is present.

The existing wrought iron fence exceeds the permitted height of 1.0 m for fences fronting a property. The fence is constructed 0.46 m back from the rear edge of the City sidewalk and does not create conflict with existing underground utilities. The fence can easily and inexpensively be removed should the land be required for future Municipal use.

The applicant has submitted a letter of appeal stating the reason for the higher fence is primarily for the protection and security of ground-floor tenants of the three storey apartment building who are constantly pestered by late-night inebriates from local taverns and other undesirables who will bang on their front doors or try to peer into their windows which are so easily accessible due to the building's proximity to the sidewalk. Mr. Holmes argues that a higher fence will impede transgressions of this sort. In addition, Mr. Holmes feels that the fence adds a very positive contribution to the area.

Furthermore, Mr. Holmes has indicated that there are other similar installations in the immediate area of his property and staff have confirmed this.

Details of the proposal are retained on file with this Department.

Conclusions:

As the 1.35 m high wrought iron fence does not impact negatively on the public right of way, permission should be granted for its ongoing maintenance.

Contact:

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(Attachments referred to in the foregoing report were forwarded to all Members of the Toronto East York Community Council with the agenda for its meeting on January 21, 2003, and copies are on file in the office of the City Clerk.)