

Authority: Planning and Transportation Committee Report No. 2, Clause No. 4,
as adopted by City of Toronto Council on February 13, 14 and 15, 2002
Enacted by Council: April 18, 2002

CITY OF TORONTO

BY-LAW No. 286-2002

**To amend Municipal Code Chapter 447, Fences, and to repeal division fences by-laws of
the former municipalities to reflect the application of the Line Fences Act to the
City of Toronto.**

WHEREAS under the *Line Fences Act*, R.S.O. 1990, c. L.17 Council may pass by-laws to limit the fence-viewing period under subsection 5(2) of that Act and to fix administrative fees under subsection 17(1) of that Act;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 447, Fences.

Chapter 447, Fences, of The City of Toronto Municipal Code, is amended by adding the following:

**ARTICLE II
Fence-viewers**

§ 447-8. Term of office.

Fence-viewers, appointed by Council under the *Line Fences Act*, shall hold office until the expiration of the term of the Council that appointed them and until their successors are appointed.

§ 447-9. Remuneration.

The remuneration for each of the three fence-viewers shall be \$30 per hour, inclusive of costs, for each fence-viewing attended. Each of the three fence-viewers shall be paid at this rate for travel time to and from the fence-viewing, and for any attendance required at an appeal hearing.

§ 447-10. Winter months exclusion.

No arbitration or other proceeding requiring the attendance or reattendance of fence-viewers shall take place between November 1 and March 31 in the next following year.

§ 447-11. Fees:

- A. The following fees shall be paid to the City in relation to the administration of the *Line Fences Act*:

Materials and Services	Fee
Application package	\$20
Basic application	\$780
Registered letter	\$5 per letter
Fence-viewers	\$30 per hour (minimum 3 hours) x 3 viewers
Certificate of award	\$20 per certificate
Deposit of fence-viewers' award with City Clerk's office	\$25
Default collection (tax roll)	\$75

The 3-hour minimum for fence-viewers' fees shall apply only to the initial attendance and not to any reattendance. Reattendances shall be charged at a rate of \$30 per hour for each of the 3 fence-viewers.

- B. Upon and in addition to payment of the basic application fee, the applicant shall pay all additional fees that the City Clerk is able to pre-determine at that time.

2. Repeal.

Subject to section 3, the following are repealed:

- A. Former Borough of East York By-law No. 144-96 and By-law No. 139-96.
- B. Former City of Etobicoke By-law No. 1995-26 and Municipal Code Chapter 39.
- C. Former City of North York By-law No. 29830.
- D. Former City of Scarborough By-law No. 21627 and By-law No. 17336.
- E. Article 1, Division Fences of Chapter 182, Fences of the former City of Toronto Municipal Code, as amended.
- F. Former City of York; By-law No. 2977-95, By-law No. 2993-95, 1694-89, By-law No. 991-86, By-law No. 960-86, By-law No. 984-86 By-law No. 323-84, By-law No. 4403-83, By-law No. 3608-80, By-law No. 843-70 and By-law No. 120-67.

3. Transition.

- A. Despite section 2-C, By-law No. 29830 of the former City of North York continues to apply to properties affected by a notice given in accordance with section 3 of By-law No. 29830 before the date of the enactment of this by-law until the matters in dispute have been conclusively resolved.
- B. Despite section 2-E, Article I of Chapter 182, Fences, of the Municipal Code of the former City of Toronto continues to apply to properties affected by a notice given in accordance with § 182-8A(1) of that Chapter before the date of the enactment of this by-law until the matters in dispute have been conclusively resolved.

4. Conflict.

To the extent of any conflict between this by-law and any by-laws of the former municipalities respecting division fences, this by-law prevails.

5. In force.

This by-law comes into force on June 1, 2002.

ENACTED AND PASSED this 18th day of April, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)