

Authority: Licensing and Standards Committee Item 15.2,
as adopted by City of Toronto Council on July 15, 16 and 17, 2008
Enacted by Council: July 17, 2008

CITY OF TORONTO

BY-LAW No. 793-2008

To amend City of Toronto Municipal Code Chapter 447, Fences, to increase the safety of pedestrians and vehicular traffic by ensuring that sight lines are not obstructed, to amend certain definitions and to include new definitions.

WHEREAS under sections 7 and 8 of the *City of Toronto Act, 2006* (the “Act”), the City may pass by-laws respecting structures, including fences and signs, and the safety of persons; and

WHEREAS City Council wishes to amend Municipal Code Chapter 447, Fences, to increase the safety of pedestrians and vehicular traffic by ensuring that sight lines are not obstructed, to amend certain definitions and to include new definitions;

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

1. Chapter 447, Fences, of The City of Toronto Municipal Code is amended as follows:

A. Section 447-1 is amended as follows:

(1) By adding the following before “FENCE”:

“COMMUNITY COUNCIL — As defined in Chapter 27, Council Procedures.

DRIVEWAY — Any space on private property used or intended to be used by vehicles to park or to access parking.”

(2) By deleting the definition of “Fence” and substituting the following:

“FENCE — 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.”

(3) By adding the following after “FRONT YARD”:

“GUARD — The same meaning as Chapter 629, Property Standards, which, for reference purposes only, means a protective barrier, with or without openings through it, that is around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another.”

- (4) By adding the following after “OFFICER”:

“OPEN-FENCE CONSTRUCTION — Fence construction that provides motorists and pedestrians with an unobstructed view of people, vehicles and their movements through the entire length of the fence.”

- (5) By adding the following after “OWNER”:

“PARKING LOT — A driveway, not on single residential property, intended for the parking of vehicles.”

- B. Table 1, Maximum Height of Fences, in subsection 447-2B is amended as follows:

- (1) By deleting the third column of the table, titled “Fence on Multiple Residential Property”.
- (2) By deleting the title of the second column of the table (“Fence on Single Residential Property”), and substituting “Fence on Single or Multiple Residential Property”.
- (3) By deleting the first row entries in columns two and three, set out opposite “Fence in front yard within 2.4 metres of front lot line” in the first column, and substituting “1.2 metres”.
- (4) By deleting “Fence in flankage yard within 2.4 metres of side lot line and 2.4 metres of any driveway” in the third row of the first column, and substituting “Fence in flankage yard within 2.4 metres of side lot line and within 2.4 metres of any driveway”.
- (5) By deleting “Fence in flankage yard not within 2.4 metres of side lot line and 2.4 metres of any driveway” in the fourth row of the first column, and substituting “Fence in flankage yard not within 2.4 metres of side lot line and within 2.4 metres of any driveway”.
- (6) By deleting the third row entries in columns two and three, set out opposite “Fence in flankage yard within 2.4 metres of side lot line and within 2.4 metres of any driveway” in the first column, and substituting “2.0 metres”.
- (7) By deleting “Fence on unroofed deck” in the fifth row of the first column, and substituting “Fence on unroofed deck and not in a front or flankage yard.”
- (8) By deleting “Fence abutting multiple residential property” in the sixth row of the first column, and substituting “Fence abutting multiple residential property and not in a front or flankage yard.”

C. Section 447-2 is amended by adding the following:

“C. Open-fence construction required.

Despite Table 1:

- (1) Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway; and
- (2) In the case of a parking lot, any fence shall be an open mesh chain-link fence or of an equivalent open-fence construction anywhere it may otherwise restrict the sight lines of vehicular or pedestrian traffic in the parking lot.

C.1 Obstructions prohibited.

No vegetation shall be permitted to grow or object permitted to be placed in such a way as to obstruct the view through a fence under § 447-2C.

D. Fence to meet guard requirements.

- (1) Where a fence is used as a guard, it shall be installed and maintained to comply with Chapter 629, Property Standards.
- (2) If the guard forms part of a swimming pool enclosure, it shall also comply with the requirements of § 447-3.
- (3) If more than one by-law provides requirements for the guard, the more restrictive provisions shall apply.”

D. Section 447-5 is amended by adding the following:

“C. Fence exemptions.

- (1) A person given notice under this article may request to have the fence considered by Council or community council under delegated authority for a site-specific exemption from any of the requirements of this article on or before the date indicated on the notice of violation.
- (2) The community council in Subsection C(1) shall be the community council for the geographic area in which the fence is located.

- (3) If the fence is located in the geographic area of more than one community council, the matter shall be determined by Council, and notice of the matter will be given to the councillors of the wards in which the fence is located.
- (4) A request for an exemption under Subsection C(1) shall be in writing to the Executive Director of Municipal Licensing and Standards and shall be delivered to the issuing office, as indicated on the notice of violation.
- (5) When a request for an exemption has been received along with the required application fee under Subsection C(4), the Executive Director of Municipal Licensing and Standards, or his or her designate, shall report to Council or community council for consideration, and shall not take action under this article until the matter has been dealt with by Council or community council under delegated authority.
- (6) Council, or community council under delegated authority may:
 - (a) Grant the exemption, with or without conditions, and cancel the notice; or
 - (b) Confirm the notice and direct that a second notice be given under this article.
- (7) Subsection C(1) does not apply to a second notice given under Subsection C(6).”

ENACTED AND PASSED this 17th day of July, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)