



## STAFF REPORT ACTION REQUIRED

### Fence Exemption Request - 4 Paulson Road

<b>Date:</b>	February 26, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, Manager, Municipal Licensing and Standards
<b>Ward:</b>	Ward 12 - York South-Weston
<b>Reference Number:</b>	ML&S Folder No. 05-207571FEN

#### **SUMMARY**

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This Staff Report is about a matter for which the community council has delegated authority from City Council to make a final decision. The subject matter is an application for an exemption to the Fence By-law under Chapter 447 of the Toronto Municipal Code to maintain an existing board fencing complete with lattice-work at the West elevation in the rear yard which is in violation of the bylaw.

#### **RECOMMENDATIONS**

Municipal Licensing and Standards recommends that:

The Etobicoke York Community Council deny the request for the exemption based on non-compliance with the requirements set out in Chapter 447 of the Toronto Municipal Code.

#### **FINANCIAL IMPACT**

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

#### **ISSUE BACKGROUND**

On August 17, 2005, a Municipal Standards Officer attended at the subject property in response to a complaint and found a privacy screen erected at the West elevation, in the rear yard. This privacy screen does not form part of the required swimming pool enclosure. The board fence complete with lattice-work, has been erected on an

architectural retaining wall establishing a difference in elevation (between the subject and the neighbouring property to the west) of approximately 600 - 800 millimetres. As a result, when measuring the average grade pursuant to the Fence By-law regulations, the existing/offending fence at the West elevation, that is the subject of this exemption request, varies in height from as low as approximately 1.61 metres to as much as approximately 3.05 metres (Attachment 3).

As a result of our investigation, a Notice of Violation was issued on December 12, 2005 for violation of the Fence By-law under Chapter 447 of the Toronto Municipal Code.

## **COMMENTS**

The fencing on the west side is of varying heights and consists of 12 distinct panels totalling approximately 25 lineal metres (82 feet) in length (Attachment 1). The Fence By-law requires fences in the rear yard on residential property to be no more than 2.0 metres in height pursuant to Section 447-2.B (1) of Toronto Municipal Code Chapter 447.

The property owner/applicant contends that 5 of the 12 panels of the privacy screen at the West elevation in the rear yard were constructed in 1996 (measuring approximately 8.2 metres [27 feet] ) in length and received authorization/relief from by-law officials of the former City of York and from the former City of York Fence By-law (Attachment 2). A search of our records confirms same.

The remaining 7 panels (measuring approximately 16.8 metres [55 feet] ) were completed in August 2006 and are the subject of the fence exemption request (Attachment 2). The owner seeks the exemption to maintain the offending 7 panels of fencing for privacy reasons. It should be noted that other fencing which forms part of the pool enclosure does comply with the By-law requirements. Further the fences in the front yard appear to enjoy relief (with respect to height) from the former City of York Fence By-law as well.

The front yard fencing on private property for the subject property at the West elevation also appears to enjoy relief from the former City of York Fence By-law. Portions of this front yard fencing are also on the public road allowance, have not been authorized by way of encroachment agreement(s) and have been referred to Right-of-Way Management, Transportation Services for action.

## **CONTACT**

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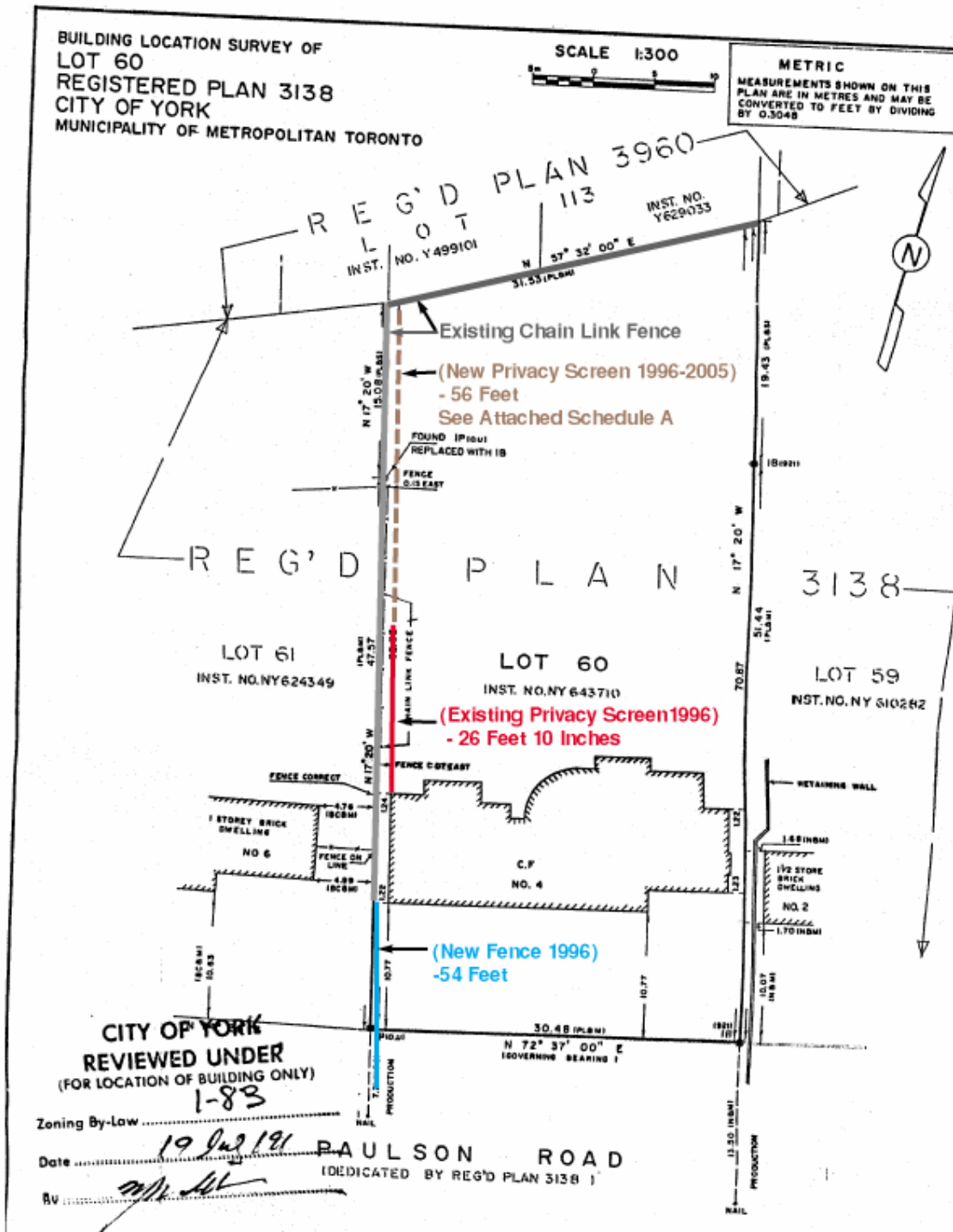
## **SIGNATURE**

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Curtis Sealock, District Manager  
Etobicoke York District  
Municipal Licensing and Standards

## **ATTACHMENTS**

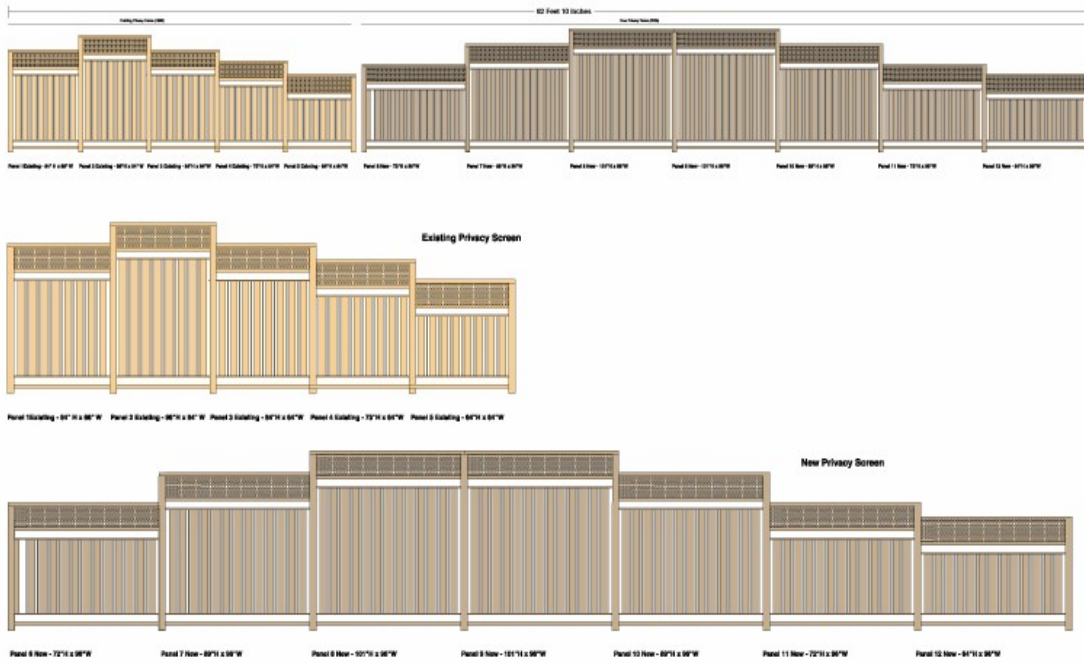
Attachment 1: Survey of 4 Paulson Road  
Attachment 2: Fence Details showing existing 5 panels and 7 new panels  
Attachment 3: Cross Sections showing existing and new privacy screens



**Attachment 1: Survey of 4 Paulson Road**

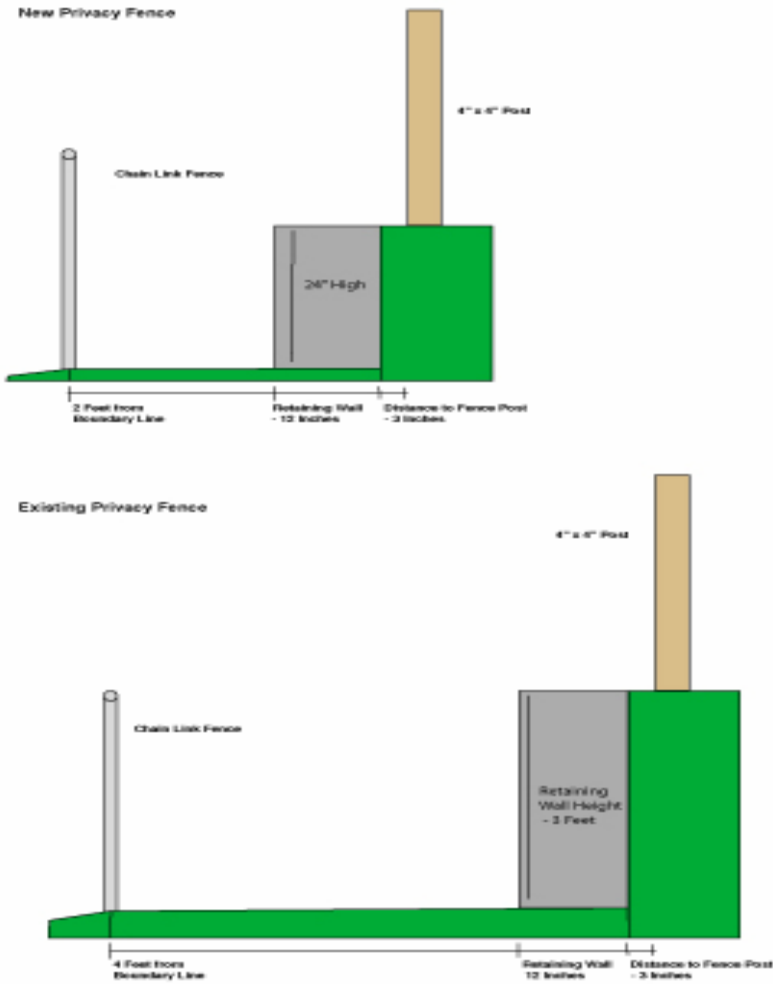
Schedule A

East View to West View Elevation - 4 Paulson Road - Backyard



Attachment 2: Fence Details showing existing 5 panels and 7 new panels

### Cross Section - Back Yard



**Attachment 3: Cross Sections of existing and new privacy screens**