



## STAFF REPORT ACTION REQUIRED

### Fence Exemption Request - 553 Rustic 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>Wards:</b>	Ward 12 - York South-Weston
<b>Reference Number:</b>	ML&S Folder No. 05-205217 FEN

#### **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 Chapter 447 of the Toronto Municipal Code, Fences, to maintain an existing board on board wooden fence in the front yard which is in violation of the by-law.

#### **RECOMMENDATIONS**

Municipal Licensing and Standards recommends that:

The Etobicoke York Community Council deny the request for the exemption for the private property fences 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**

The property owners erected a wooden fence sometime in 1997 to enclose the front and flankage yards of the property. The fence in the front yard is the subject of this fence exemption request. The fence in the front yard (East Elevation) runs in a northerly

direction from the northeast corner of the dwelling on private property to a point approximately 1.26 metres beyond the street line onto public property, then in a southeasterly direction wholly on public property to the extreme northeast corner of the property and 0.44 metres east, then in a southerly direction wholly on public property to the extreme southeast corner of the property and 0.45 metres east, and finally along the south property boundary substantially as a divisional fence with the property at 132 Cornelius Parkway (Attachment 1).

The property owner contends that the fence was originally erected in the fall of 1997 with approval from officials of the former City of North York and clearances from the pertinent utilities. A check of City records did not reveal any documents to support this claim.

## **COMMENTS**

The fences in the front yard at the North and East elevations are almost completely on the public road allowance while the fence at the South elevation and the small portion next to the Northeast corner of the dwelling are on private property. The unauthorized fences on the public road allowance require encroachment agreements. All efforts to date to secure an application for same from the property owner(s) have been unsuccessful to date. The other offending fences on private property clearly create sight-line obstructions for both pedestrian and vehicular traffic on Rustic Road and Cornelius Parkway (Attachment 2).

The board on board fence in the front yard (both on public and private property) measures approximately 2.0 metres in height. Fencing which is located within 2.4 metres of the front lot line is limited to 1.0 metres in height while fencing in the front yard not within 2.4 metres of the front lot line is limited to 1.2 metres in height pursuant to Section 447-2.B. Chapter 447, Fences, in the Toronto Municipal Code.

The front yard fencing on private property for the subject property (as well as portions the fencing on public property) is in violation of these standards. Portions of the front yard fencing that are 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.

The property owner(s) also believe that the complaint which resulted in a Notice of Violation dated December 1, 2005 issued by this Division to both property owners was motivated by a relationship that soured with a neighbour and should not form the basis for them to comply with the fence by-law regulations after so many years.

## **CONTACT**

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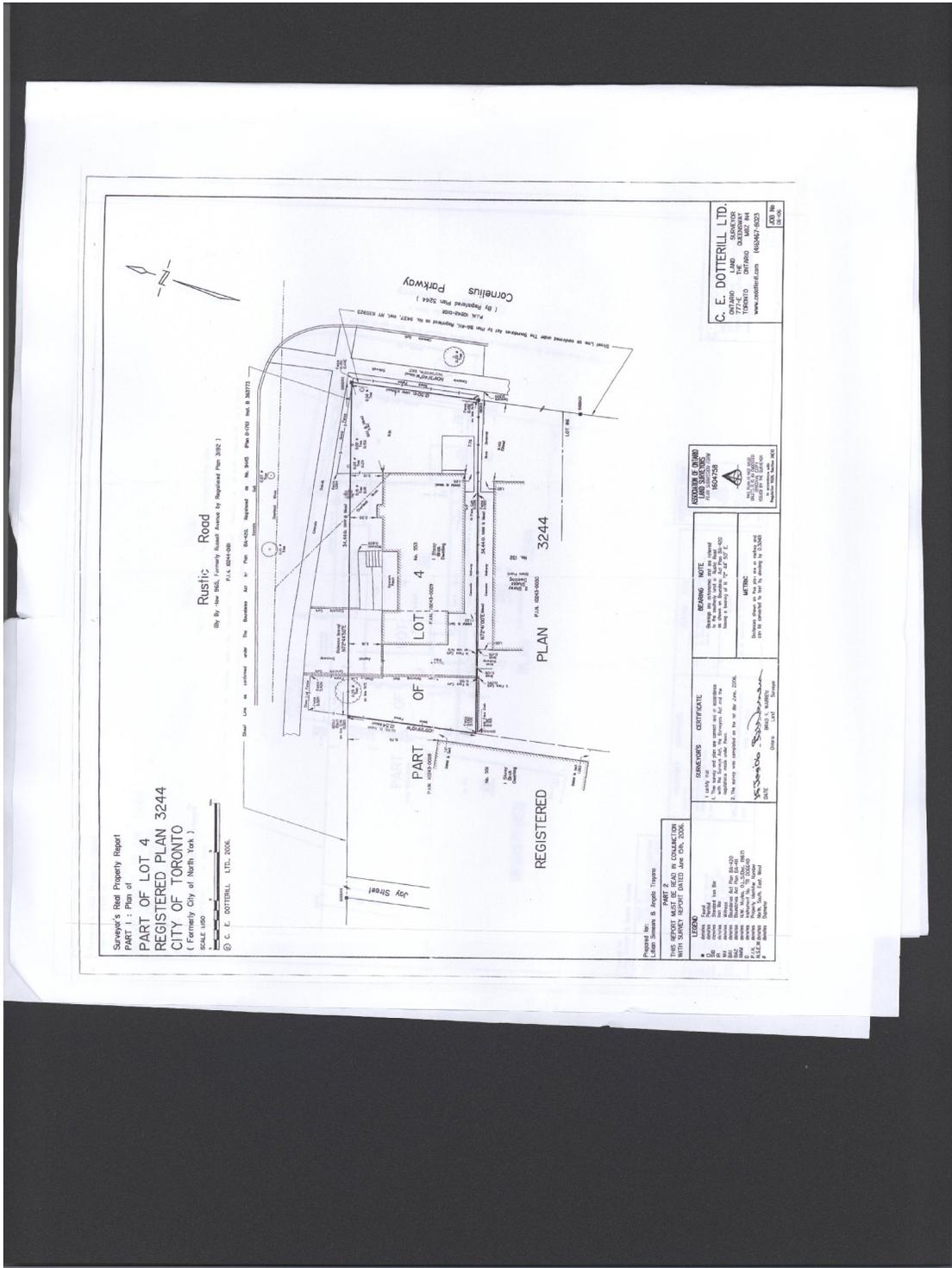
## **SIGNATURE**

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

### **Attachments:**

Attachment 1: Survey of 553 Rustic Road dated June 15, 2006  
Attachment 2: Photographs showing the Southeast corner of the property/fencing  
and showing the East and South elevations of the front yard  
fencing



**Attachment 1: Survey of 553 Rustic Road dated June 15, 2006**



Photograph #1 - Showing the Southeast corner of the property/fencing



Photograph # 2 - Showing the East and South elevations of the front yard fencing

**Attachment 2: Photos of 553 Rustic Road**