

**Request for a Fence Exemption  
1 Forge Drive**

<b>Date:</b>	February 23, 2007
<b>To:</b>	North York Community Council
<b>From:</b>	Bryan Byng, District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 08 YorkWest
<b>Reference Number:</b>	IBMS No. 06-163060

**SUMMARY**

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This staff report is about a matter that the Community Council has delegated authority to make a final decision [provided that it is not amended so that it varies with City policy or by-laws]. The purpose of this report is to consider a request by the owner(s) of 1 Forge Drive for an exemption from the City of Toronto Municipal Code, Chapter 447-Fences, section 2B. (1). The Municipal Code permits a maximum height of 800 millimetres for an opaque fence within 2.4 meters of a driveway, whereas the exemption request is seeking an exemption to allow a fence to remain at a height of 1.83 meters along the north side property line which abuts a neighbouring driveway, and 1.52 meters along the west and south sides.

**RECOMMENDATIONS**

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**Municipal Licensing and Standards recommends that:**

- 1) The request to permit the existing board on board fence to remain be refused based upon non-compliance with the requirements set out in Chapter 447, of the Toronto Municipal Code dealing with fences.**

**Financial Impact**

There is no financial impact anticipated in this report.

**DECISION HISTORY**

This matter came in as a result of a complaint about the fence height.

## **ISSUE BACKGROUND**

Staff of Municipal Licensing and Standards became aware of the issue as a result of a complaint made to the Division respecting the fence height. An inspection of the property revealed a number of sight line obstructions, which raise concern over the safety of pedestrians coming into contact with vehicles backing out of the driveways.

The City of Toronto Council enacted Chapter 447, as amended, on July 6, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned fences not to exceed the permitted maximum heights.

Subsection 2B. (1) of Chapter 447 of the Toronto Municipal Code requires an opaque fence that is located next to a driveway be no more than 800mm. in height when within 2.4 meters of a driveway in the flankage yard. An alternative material such as the use of chain-link fence or equivalent open fence construction would permit a height of 1.2 meters. Owing to the proximity of abutting driveways, an issue of adequate sight lines has been identified.

The owners are seeking an exemption from Chapter 447 so as to allow the fence to remain as constructed. It is, therefore, not recommended that the approval be given for the fence to remain as constructed, and the fence should be brought into compliance with Chapter 447.

## **COMMENTS**

- The owner of this fence is making a request for reasons of security and safety to have the fence remain as constructed.
- There has not been any public consultation regarding this exemption request.
- Chapter 447 allows for the construction of privacy fences, however, there are height restrictions as well as specified materials so as to minimize site obstructions.
- It is believed that similar safety and security objectives can be achieved by lowering the fence so as to be in compliance with the requirements, or by substituting chain-link fencing for the material currently used

## **CONTACT**

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## **SIGNATURE**

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Bryan Byng, District Manager  
Municipal Licensing and Standards  
North York District

## **ATTACHMENTS**

1. 3 Photos