

TORONTO STAFF REPORT

August 11, 2006

To: Chair and Members
Scarborough Community Council

From: Bill Blakes
Scarborough District Manager
Municipal Licensing and Standards

Subject: Request for Fence Exemption
40 Centre Street
Ward 38 – Scarborough Centre

Purpose:

To respond to a request from the owner of the subject residence, for an exemption to Chapter 447 of the Toronto Municipal Code dealing with Fences.

Financial Implications and Impact Statement:

There are no financial implications.

Recommendations:

It is recommended this request to permit the existing board on board wood fence to remain be refused based on the non-compliance with the requirements set out in Chapter 447 of the Toronto Municipal Code.

Background:

The City of Toronto Council enacted the amalgamated Fence By-Law on July 6th, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned outdoor swimming pools to erect and maintain fences and gates around the swimming pools. This by-law and the amendments are now found in Chapter 447 of the Toronto Municipal Code.

The subject property owner has erected a privacy wood fence in the rear yard approximately 8 to 10 feet in various height and 300 feet long, enclosing the whole rear yard.

Comments:

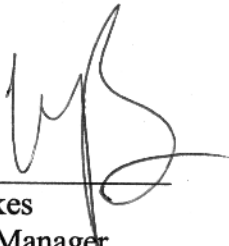
The owner of the property is seeking an exemption to the Fence By-law for addition privacy, security and noise.

Conclusions:

This report is submitted for information to Community Council in deciding whether or not to exempt the subject lands under the City of Toronto Municipal Code Chapter 477 Fences.

Contact:

Glenn Shimoda
Municipal Licensing and Standards
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Bill Blakes
District Manager
Municipal Licensing and Standards

List of Attachments:

1. Correspondence dated June 20, 2005, from Joaquim Jose Oliveira (owner).
2. Pictures

Joaquim Jose Oliveira
40 Centre Street
Scarborough, ON M1J 3B6
(416) 265-0710

June 20, 2005

Toronto Urban Development Services
Municipal Licensing and Standards
Scarborough Civic Centre
150 Borough Drive, 3rd Floor
Toronto, ON M1P 4N7

Application for exemption:

Re: 40 Centre Street
Folder #04 118887 PRS 00IV
Legal Description: PL 142 PT LT71 To
73PT PT LT76 To 78PT
Roll Number: 1901072360003000000
City of Toronto

In compliance with the conversation I had with Mr. Mason and Mr. Testa on June 13 2005. I am sending this letter asking for exemption from By- Law 2B (1). "Fence in rear yard not to exceed maximum of two meter's high- 6 feet 6 inches."

I am requesting an amendment to allow me to have the fence at a height of 8' feet 6 inches.

My reasons are as follows:

The fence provides a sound barrier against the noise from the trains that regularly come by GO Train, Via and Freight. In addition to the excessive noise from the trains, persons, on occasion cross the tracks forcing the driver to blow their horn for several seconds to warn of impending danger. Unfortunately, this is happening more frequently. My property borders vacant city land that is frequented by strangers crossing to access a short cut to or from Markham Road. Others simply loiter and involve themselves in illegal activity-i.e, drinking and/ or drugs. It is not uncommon to have police officers surveillance or to see officers respond to neighbor's complaints for excessive noise.

Due to our property being trespassed and vandalized on a regular basis and having our property stolen (a boat motor, fruit off our trees) we felt that for security reasons, the fence would provide a safe barrier between our yard and the vacant land. A lower fence height would still permit vandals the accessibility to the yard by simply jumping over the fence.

Please be assured that a lot of thought and planning went into the construction of our fence, taking into account wind load and structural strength. The poles are located at six-foot centers and were sunken four feet into the ground with concrete.

In good faith we solely purchased and built this 300-foot fence at great expense and tremendous amount of work. At this time I wish to request that my application be reviewed, taking into consideration my unique and challenging circumstances.

I take this opportunity to express my sincere appreciation for your kind consideration. I look forward to your reply, please notify me of the board review date and time because I wish to appear before the committee.

Sincerely,

Joaquim Oliveira