



STAFF REPORT ACTION REQUIRED

38 Dunbar Road - Privacy Fence

Date:	June 11, 2007
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre-Rosedale – Ward 27
Reference Number:	Te07047te.row

SUMMARY

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed an appeal from the agent of the property owner of 38 Dunbar Road for the installation of a stone privacy wall with wrought iron fence with a varying height of 1.0 m to 1.98 m, which will encroach within the public right of way fronting 38 Dunbar Road and on the South Drive flank.

Although the privacy wall and fence exceeds the allowable height under the Municipal Code, it will not impact negatively on the public right of way. Therefore, Transportation Services recommends approval of the encroachment.

The owners together with any interested parties will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation of the stone privacy wall with wrought iron fence with a varying height of 1.0 to 1.98 m, within the public right of way fronting 38 Dunbar Road and on the South Drive flank, subject to the property owner entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:

- a. maintain the stone privacy wall and wrought iron fence at his/her own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
 - b. obtain approval for associated work on private property from the Toronto Building Division;
 - c. remove the stone privacy wall and wrought iron fence upon receiving 90 days written notice to do so;
 - d. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City; and
2. direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to the new owner, in the event of sale or transfer of the property abutting the encroachment, subject to the approval of the General Manager of Transportation Services.

Financial Impact

There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND

The agent of the property owner of 38 Dunbar Road submitted an application requesting permission to install a stone privacy wall with wrought iron fence with a varying height of 1.0 m to 1.98 m, set back a minimum of 0.46 m from the back of the sidewalk fronting 38 Dunbar Road and on the South Drive flank that extends onto the public right of way.

COMMENTS

Applicable regulation

The construction and maintenance of fences within the public right of way are governed under the criteria set out in Chapter 313-33 of the former City of Toronto Municipal Code, which provides for fences to be constructed to a maximum height of 1.9 m on the flank of a property and up to 1.0 m in height in front of a property if they are neither hazardous nor unsightly in appearance. In addition, fences must be set back 0.46 m from the rear edge of the City sidewalk or a minimum of 2.1 m from the curb where no sidewalk is present.

Reasons for approval

Transportation Services has reviewed the application and determined that the installation of the stone privacy wall and wrought iron fence fronting 38 Dunbar Road and on the

South Drive flank do not impact negatively on the public right of way, even though the overall height of the fence is higher than what is allowable under the Municipal Code. Staff have noted there are similar fences within the immediate area.

Details of the encroachment are on file with Transportation Services.

Photos of the property are shown on Appendix 'A'.

CONTACT

Ken McGuire, Supervisor, Right of Way Management
Tel: 416-392-7894, Fax: 416-392-7465, E-mail: kmcguire@toronto.ca

SIGNATURE

Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

Appendix 'A' - photos

P:\2007\Cluster B\TRA\Toronto and East York\row\te07047te.row - sa