



**STAFF REPORT
ACTION REQUIRED**

**Request for a fence exemption to Chapter 447-Fences of
the Toronto Municipal Code at 20 Colin Avenue**

Date:	June 5, 2007
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards Division Toronto East York District
Wards:	Ward 22 – St Paul’s
Reference Number:	IBMS No. 07-205572

SUMMARY

This staff report is about a matter for which the community council has delegated authority from City Council to make a final decision. The applicant, being the owner of 20 Colin Ave, is seeking approval for an exemption to the provisions of the City of Toronto Municipal Code, Chapter 447, Fences, to allow the proposed wooden fence to maintain the privacy provided by the previous cement wall. Municipal Licensing & Standards responded to the request from the owner of the subject property for an exemption to Toronto Municipal Code, Chapter 447-Fences.

RECOMMENDATIONS

It is recommended that an exemption not be granted to allow the proposed construction of the pressured treated wood fence along the south side yard between 20 and 16 Colin Avenue. The proposed fence would measure approximately 2.44 metres (8 feet) in height and approximately 6.1 metres (20 feet) in length. The total length of the rear property to the rear property line is 16 metre (54 feet). The construction proposed is in the rear yard, and therefore is required to be restricted to a maximum height of 2 metres (6 feet 6 inches). The existing fence measures 1.8 metres (5 feet 10 inches) and is in compliance.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing and Standard Division was contacted by the property owner requesting information for a fence exemption. An exemption request was made by the owner (Attachment 1) and included the proposed plans (Attachment 2). In addition, a letter of approval from the property owner who resides at 16 Colin Ave.

ISSUE BACKGROUND

On October 20, 2006, Municipal Licensing and Standards received a complaint that an existing fence/wall was over the maximum height allowed under the bylaw. This fence/wall was the remaining portion of a demolished garage. The wall was deemed to be unsafe and was removed. The applicant subsequently requested a fence exemption for the proposed fence.

COMMENTS

The City of Toronto Council enacted the amalgamated By-Law 472-2000 on July 6, 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 safety fences and gates around private swimming pools. This By-Law and the amendments are now found in the Toronto Municipal Code, Chapter 447 - Fences.

The City of Toronto Municipal Code, Chapter 447, Section 447-2B(2) states; Where more than one description in the following Table applies to a fence, each part that corresponds to a single description shall be deemed to be a separated fence for the purpose of the maximum height for that part.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager

Toronto East York District

ATTACHMENTS

1. Fence exemption letter
2. Sketch - Proposed plans