



**STAFF REPORT
ACTION REQUIRED**

Request for a fence exemption to Chapter 447-Fences of the Toronto Municipal Code at 39 Dundurn Crescent

Date:	June 5, 2007
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards, Toronto East York District
Wards:	Ward 21 – St Paul’s
Reference Number:	IBMS No. 05-178653

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 purpose of this report is to consider a request by the owner(s) of 39 Dundurn Crescent to be exempted from Chapter 447 – Fences, Section 447-2(B). This section states that the maximum height of a fence in the rear yard cannot exceed 2 metres.

The existing wood fence is located in the rear yard, between 39 and 41 Dundurn Crescent. The fence runs north to south on the west property line.

There are 5 sections of the fence that are not in compliance with the Bylaw.
Section 1 2.21 metres (7 foot 3 inches) in height and 2.74 metres (9 feet) in length
Section 2 2.21 metres (7 foot 3 inches) in height and 2.4 metres (8 feet) in length
Section 3 2.21 metres (7 foot 3 inches) in height and 2.4 metres (8 feet) in length
Section 4 2.21 metres (7 foot 3 inches) in height and 1.98 metres (6 feet 6 inches) in length
Section 5 2.1 metres (6 foot 11 inches) in height and 2.4 metres (8 feet) in length.
Photographs have been included in this report (Attachments 1 – 5).

The inspection also noted there is a garage on the east side of the property which acts as part of the fence, with a fence (including the gate) measuring 1.82 metres (6 feet) in height and 3.65 metres (12 feet) in length. To the south side of the property, there is an existing fence on the property of 241 Winona Drive.

RECOMMENDATIONS

1. Municipal Licensing and Standards recommends that the fence exemption not be granted.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing and Standard Division received a public complaint regarding the fence/gate, which was constructed on the West property line, in the rear yard of 41 Dunburn Crescent. The fence exceeds the maximum 2.0 meters height permitted.

ISSUE BACKGROUND

The fence was constructed for the purpose of ensuring security and privacy for the owners.

COMMENTS

In appealing this matter, the owners are requesting an exemption in support of the existing 2.21 metres (7 foot 3 inches) in height fence to remain, for security reasons and to ensure the integrity of the existing fence.

Should the recommendation not be accepted, and the request approved, a condition of approval should include that when the fence is replaced it should be constructed in compliance with Chapter 447-Fences or it's successor bylaw.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
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ATTACHMENTS

1– 5 Photographs