



**STAFF REPORT
ACTION REQUIRED**

Request for a fence exemption to the Toronto Municipal Code, Chapter 447-Fences at 16 Browside Avenue

Date:	September 14, 2007
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards, Toronto East York District
Wards:	Ward 22 – St Paul’s
Reference Number:	IBMS No. 07-204972

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 16 Browside Avenue 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, (6 feet, 6 inches).

The existing wood/ lattice fence is located in the rear yard of 16 Browside Avenue and consists of 3 sections of fence that are not in compliance with the Bylaw

Section 1 West side: 3.7 metres (12 foot 4 inches) in height and 12.5 metres (41 feet) in length

Section 2 North side: 3.4 metres (11 feet) in height and 4.8 metres (16 feet) in length

Section 3 South side: 3.4 metres (11 feet) in height and 4.8 metres (16 feet) in length

Photographs have been included in this report (Attachments 1 – 4).

RECOMMENDATIONS

1. Municipal Licensing and Standards recommends that community council not grant the fence exemption

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing and Standard Division conducted an inspection in response to a complaint received regarding the height of a rear yard fence. The inspection determined that fence exceeds the maximum 2 metres, (6 feet 6 inch), height permitted for a rear yard fence.

It was also noted that the fence forms part of a pool enclosure that meets all other requirements of the by-law.

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 three sections, that being section 1, the west fence, measuring 3.7 metres, (12 foot 4 inches), in height and sections 2 and 3 both measuring 3.4 metres, (11 feet), in height for security and privacy reasons.

Letters of support have been received from two of the three adjoining properties.

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

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
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ATTACHMENTS

1 – 4 Photographs