

## **32 Whitehall Road – Privacy Fence**

<b>Date:</b>	November 12, 2007
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	Toronto Centre-Rosedale - Ward 27
<b>Reference Number:</b>	Te07076te.row

### **SUMMARY**

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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 a request from the owners of 32 Whitehall Road to allow the ongoing maintenance of a 1.86 m high privacy fence that encroaches within the public right of way on Summerhill Avenue, rear of 32 Whitehall Road.

The existing privacy fence does not impact negatively on the public right of way. Staff recommend approval of this request.

### **RECOMMENDATIONS**

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**Transportation Services recommends that Toronto and East York Community Council:**

1. approve the ongoing maintenance of the privacy fence within portions of the public right of way on Summerhill Avenue, rear of 32 Whitehall Road, subject to the property owners entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
  - a. maintain the privacy fence at their 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 privacy fence upon receiving 90 days written notice to do so; and
  - d. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services; 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 to 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 property owner of 32 Whitehall Road submitted an application requesting permission to maintain a 1.86 m high wooden privacy fence within portions of the public right of way on Summerhill Avenue, rear of 32 Whitehall Road.

### **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, 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. The by-law is silent for fences at the rear of a property.

#### **Reasons for approval**

Transportation Services has reviewed the application and determined that the maintenance of the privacy fence within portions of the public right of way on Summerhill Avenue, rear of 32 Whitehall Road, does not impact negatively on the public right of way. 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**

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**SIGNATURE**

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Angie Antoniou  
Manager, Right of Way Management

**ATTACHMENTS**

Appendix 'A' – photos

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