

**Fence Exemption Request
44 Delhi Avenue**

Date:	October 27, 2008
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	IBMS No. 08-201151

SUMMARY

This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws.

The subject matter is an application for an exemption to Chapter 447 of the Toronto Municipal Code, Fences, to maintain existing fences in the front and side yards which are in violation of the By-law.

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 owner(s) existing fence was the subject of a public complaint. As a result of the investigation the owner(s) were issued a Notice of Violation and they subsequently applied for a fence exemption. Part of the fence encroaches onto the City of Toronto right of way and that issue has been forwarded to Transportation.

ISSUE BACKGROUND

This is a single family detached home built in 1949 located in a one family third density (R3) zone (*Attachment 1 and 2*).

Fences in the front yard within 2.4 metres of the front lot line are limited to 1.2 metres in height for open mesh chain link fencing or equivalent open construction that does not restrict sight lines and 1.0 metre in height for all other types, while fences in the front yard not within 2.4 metres of the front lot line are limited to 1.2 metres in height, pursuant to Section 447-2.B. Chapter 447, Fences, of the Toronto Municipal Code. This section also states, that the maximum height for a side, or rear yard fence not including flankage yard, is limited to 2 metres (*Attachment 3*).

The owner(s) existing horizontal board fence is approximately 1.3 metres in height. It extends from the building face along the east property line in the front yard beside the driveway of 42 Delhi Avenue. The end of the fence is 1.8 metres from the road side gutter (*Attachments 4 and 5*).

COMMENTS

The owner(s) state that the fence has been in position for 10 years. They wish to maintain the fence for the quiet enjoyment of their property. The owner(s) believe that the fence does not restrict sight lines. The fence is constructed within the first 2.4 metres of the property line.

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 or its successor by-law.

CONTACT

Michael Carey, Supervisor, Municipal Licensing and Standards, North York District
Tel: 416-395-7012, Fax: 416-395-7056, E-mail: mcarey@toronto.ca

SIGNATURE

Bryan Byng, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Site plan for 44 Delhi
2. Aerial view of 44 Delhi
3. Front Yard Fence – Relief Diagram
4. Photo of front yard fence from 42 Delhi
5. Photo of front yard fence from 44 Delhi