



**STAFF REPORT
ACTION REQUIRED**

Request for a fence exemption to the Toronto Municipal Code, Chapter 447-Fences at 35 Heath Street East

Date:	March 13, 2008
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. 07-271103

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 for the property, is seeking approval for a fence exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit a slatted wood fence construction to provide privacy and screening from the neighbouring live work business. The construction of the rear yard fence consists of four sections. Section 1 is on the east property line measuring approximately 2.7 metres (8 feet 10 inches) in length and 2.5 metres (8 feet 3 inches) in height. Section 2 continues along the east property line and measures 10.3 metres (33 feet 8 inches) in length and 2.1 metres (7 feet 1 inch) in height. Section 3 runs along the south property line measuring 3.7 metres (12 feet 2 inches) in length and 3 metres (9 feet 10 inches) in height. Section 4 runs along the west property line and is 9.8 metres (32 feet) in length and 1.8 metres (6 feet 2 inches) in height and is in compliance with the bylaw. Please see Attachments 1-3.

RECOMMENDATIONS

Municipal Licensing and Standards Division 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 & Standards Division received a request from the owner of the subject property for an exemption to Toronto Municipal Code, Chapter 447-Fences, Section 447-2(B) to permit the slatted wood constructed fence in the rear yard of 35 Heath Street East. The three sections of fence along the east and south property lines measuring in height at 2.5 metres, 2.1 metres and 3 metres respectively, would not be in compliance with the provisions of the by-law, which restricts the height of a rear yard fence to 2 metres (6 feet 6 inches).

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received a complaint regarding the height of the fence. An inspection determined that the two sections of slatted wood fence in the rear yard along the east property line, measuring at heights of 2.5 metres and 2.1 metres were not in accordance with the by-law provisions that restricts the maximum height of a rear yard fence to 2 metres. It was also noted that the section of fence along the south property line measuring 3 metres in height also did not conform to the bylaw restrictions. The property owner submitted an application for a fence exemption to permit the three sections along the east and south property lines in the rear yard for the purpose of ensuring the security and privacy from the neighbouring live work business and to maintain the esthetical continuity of the fence surrounding the raised patio area.

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, and Section 447-2(B) provide that the maximum permitted height of a fence construction in a rear yard should not exceed 2 metres in height.

CONTACT

Fiona Skurjat, Supervisor, Municipal Licensing and Standards Division
Toronto East York District, 416 392-6950, fax 416 392-0384, fskurja@toronto.ca

SIGNATURE

Elizabeth Glibbery, Manager
Toronto East York District

ATTACHMENTS

1-3 Photographs of fence