



## STAFF REPORT ACTION REQUIRED

### Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 145 Gore Vale Avenue

<b>Date:</b>	June 18, 2008
<b>To:</b>	Toronto East York Community Council
<b>From:</b>	Municipal Licensing and Standards Division, Toronto East York District
<b>Wards:</b>	Ward 19 – Trinity Spadina
<b>Reference Number:</b>	IBMS No.07-224330

#### SUMMARY

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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 property owner is seeking an exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit the existing wooden fence, in the rear yard, to exceed the maximum allowable height. The Fence By-law provides that a fence in the rear yard can be constructed to a height of 2 metres.

The existing wooden fence in the rear yard consists of 3 sections of fencing. The section of fence on the north side of the property is constructed to a height of 1.85 metres (6 feet, 6 inches) and 7.60 metres (24 feet, 9 inches) in length. The (chain-link) section of fence on the south side of the property is constructed to a height of 1.12 metres (3 feet, 7 inches) and 7.60 metres (24 feet, 9 inches) in length. Both these sections of fence are in compliance with the provisions of the By-law.

The section of fence on east side of property line is constructed to a height of 2.81 metres (9 feet, 2 inches) and 6.4 metres (20 feet, 10 inches) in length and is not in compliance with the Fence By-law. See Attachment 1.

#### RECOMMENDATIONS

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The Municipal Licensing and Standards Division recommend that the Toronto East York Community Council not grant the fence exemption.

#### Financial Impact

There is no financial impact anticipated in this report.

## **DECISION HISTORY**

The Fence By-law provides that a fence in the rear yard area can be constructed to a height of 2 metres. The section of fence on east side of property line is constructed to a height of 2.81 metres.

## **ISSUE BACKGROUND**

The Municipal Licensing and Standards Division received a complaint regarding the height of the fence located in the rear yard, east side. Upon completion of our investigation, a Notice of Violation was issued, at which time a request for an exemption to the Fence By-law was received. The stated purpose for maintaining the fence at the current height is to provide privacy, security and aesthetic appearance.

## **COMMENTS**

The Council of the City of Toronto enacted the amalgamated By-law No. 472-2000 on July 06, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned 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-Fences, Section 447-2(B), provides that the maximum permitted height of a fence in a rear yard should not exceed 2 metres in height.

## **CONTACT**

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## **SIGNATURE**

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Elizabeth Glibbery, Manager, Municipal Licensing and Standards Division  
Toronto East York District

## **ATTACHMENTS**

Attachment 1, 2 and 3