



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 189 Gladstone Avenue

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| Date: | June 18, 2008 |
| To: | Toronto East York Community Council |
| From: | Municipal Licensing and Standards Division, Toronto East York District |
| Wards: | Ward 18 – Davenport |
| Reference Number: | IBMS No.07-285220 |

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 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 is located in the rear yard. The section of fence on south side of property line is constructed to a height of 2.03 metres (6 feet and 8 inches) and 13.71 metres (45 feet) in length and is not in compliance with the Fence By-law.

RECOMMENDATIONS

Municipal Licensing and Standards Division recommends that the Toronto and 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 south side of property line is constructed to a height of 2.03 metres and 13.71 metres in length.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received an application for exemption from the Fence By-law, in response to a Notice of Violation issued on a complaint received about the height of the rear yard fence. A letter of support has been filed by the applicant along with the exemption request. 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 6, 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

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

ATTACHMENTS

Attachments 1, 2 and 3, Photographs of the fence