



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 3 Vancouver Avenue

Date:	June 18, 2008
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards Division, Toronto East York District
Wards:	Ward 32 – Beaches –East York
Reference Number:	IBMS No. 07-270196

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 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 area can be constructed to a height of 2 metres.

The existing wooden fence in the rear yard consists of 3 sections of fencing that are not in compliance with the by-law. The section on north boundary line is constructed to a height of 2.5 metres, (8 feet, 2 inches) and is 13 metres (42 feet, 6 inches) in length. See Attachment 1. The section on the south boundary line is constructed to a height of 2.5 metres (8 feet, 2 inches) and is 10.46 metres (34 feet, 3 inches) in length. See Attachment 2. The section on the east boundary line is constructed to a height of 2.56 metres (8 feet, 4 inches) and is 4.62 metres (15 feet, 2 inches) in length. See Attachment 3.

RECOMMENDATIONS

Municipal Licensing & Standards recommends 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 rear yard fence at the subject property was measured at a height of from 2.5 metres to 2.56 metres which exceeds the maximum height of the Fence By-law.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received a complaint regarding the height of the fence located in the rear yard. 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. In addition, three letters from neighbouring properties have been received and are in support of the exemption request. The stated purpose for maintaining the fence at the current height is to provide privacy, security and aesthetic appearance.

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

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
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ATTACHMENTS

Attachment 1, 2 and 3 – Photographs of existing fence