



## STAFF REPORT ACTION REQUIRED

### Privacy Fence - 694 Richmond Street West

<b>Date:</b>	August 14, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	Trinity-Spadina – Ward 19
<b>Reference Number:</b>	Te08067te.row

#### SUMMARY

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This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed an appeal from the co-owner of 694 Richmond Street West for the reconstruction of a 1.9 m high wooden privacy fence adjacent to the public lane fronting 694 Richmond Street West.

Although the fence exceeds the allowable height under the Municipal Code, it does not impact negatively on the public right of way. Transportation Services recommends approval of this encroachment.

The owner will be given an opportunity to make a deputation before Community Council.

#### RECOMMENDATIONS

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**Transportation Services recommends that Toronto and East York Community Council:**

1. approve the construction of the 1.9 m high wooden privacy fence adjacent to the public lane fronting 694 Richmond Street West, subject to the owners entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
  - a. maintain the privacy fence at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services

and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;

- b. provide a 1.8 m vision splay adjacent to the public lane at the front of the property;
  - c. remove the privacy fence upon receiving 90 days written notice to do so; and
  - d. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City; and
2. in the event of sale or transfer of the property abutting the encroachment, Legal Services and/or the General Manager of Transportation Services extend the Encroachment Agreement to the new owner, subject to the approval of the General Manager of Transportation Services.

### **Financial Impact**

There is no financial impact to the City as a result of this report.

### **ISSUE BACKGROUND**

The owner of 694 Richmond Street West submitted an application requesting permission to reconstruct a 1.9 m high wooden privacy fence adjacent to the public lane fronting 694 Richmond Street West.

The owner indicates that the fence is to maintain privacy and safety given the high pedestrian traffic in the laneway adjacent to the property.

### **COMMENTS**

#### **Applicable regulation**

The construction and maintenance of fences within the public right of way are governed under the criteria set out in Chapter 313-33, Streets and Sidewalks, of the former City of Toronto Municipal Code, which provides for fences to be constructed to a maximum height of 1.9 m on the flank of a property and up to 1.0 m in height in front of a property if they are neither hazardous nor unsightly in appearance. In addition, fences must be set back 0.46 m from the rear edge of the City sidewalk or a minimum of 2.1 m from the curb where no sidewalk is present.

#### **Reasons for approval**

Transportation Services has reviewed the application and determined that the 1.9 m high privacy fence, though higher than the allowable height under the Municipal Code, will not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

A photo of the property is shown on Appendix 'A'.

**CONTACT**

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**SIGNATURE**

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Angie Antoniou  
Manager, Right of Way Management

**ATTACHMENTS**

Appendix 'A' - photo

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