



STAFF REPORT INFORMATION ONLY

Delegation of Line Fences Act Authority

Date:	January 20, 2009
To:	Government Management Committee
From:	City Clerk
Wards:	All
Reference Number:	

SUMMARY

Subsection 137 (4) of the *City of Toronto Act, 2006* authorizes the City Clerk to delegate, in writing, any of her powers and duties under any Act to any person, other than a member of council.

Effective April 1, 2009 the City Clerk will delegate the powers and duties under the *Line Fences Act*, to the Executive Director, Municipal Licensing and Standards.

Financial Impact

There is no financial implication or impact resulting from this report.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact statement.

DECISION HISTORY

At its meeting on February 13, 14 & 15, 2002, Council adopted By-law # 286-2002 to amend Municipal Code Chapter 447, Fences to reflect the application of the Line Fences Act to the City, and to repeal by-laws of the former municipalities relating to the fence-viewing process. The by-law came into effect on June 1, 2002.

As of April 1, 2009, the City Clerk will delegate, in writing, her powers and duties under the *Line Fences Act* to the Executive Director, Municipal and Licensing Standards.

ISSUE BACKGROUND

The *Line Fences Act* is provincial legislation authorizing a municipality to administer a process to resolve line fence disputes. In Toronto, City Council approved a harmonized process in 2002 where line fence-viewers are appointed to resolve fence disputes under the *Line Fences Act*.

Line fence-viewers are members of the Property Standards Committee, a quasi-judicial body appointed by City Council. The line fence-viewers are called upon to resolve line fence disputes when residents in the City of Toronto, who have neighbouring properties, have irreconcilable disputes regarding:

- the need to build a fence;
- the type of fence to be built; or
- the reconstruction of an existing fence.

While the City Clerk's Office can ensure the administrative process is managed efficiently, public inquiries often focus on property line disputes, by-law issues and construction methods that are outside the jurisdiction of the arbitration process.

Public inquiries regarding fence construction and maintenance are routinely handled by the Municipal Licensing and Standards Division, which have the expertise in the Ontario Building Code and municipal by-law standards for residential, multiple residential and commercial properties. The Municipal Licensing and Standards Division deals with the majority of neighbourhood issues related to non-compliance with the City of Toronto Municipal Code Chapter 447, Fences. Chapter 447 provides standards regarding the location, type and height of fences.

The delegation of the City Clerk's powers and duties for the arbitration of the *Line Fences Act*, to the Executive Director, Municipal Licensing and Standards, will bring the program administration in line with the expertise of the Municipal Licensing and Standards Division and in line with the practices of other municipalities in the province.

The Executive Director, Municipal Licensing and Standards is in agreement with this delegation. The City Solicitor has reviewed this report.

CONTACT

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SIGNATURE

Ulli S. Watkiss, City Clerk

DELEGATION

Pursuant to subsection 137 (4) of the *City of Toronto Act*, I, Ulli S. Watkiss, Clerk of the City of Toronto, do hereby delegate my powers and duties under the *Line Fences Act* to the following:

Executive Director, Municipal Licensing and Standards

This delegation gives the above mentioned individual the authority to exercise any powers and duties which I have been granted with respect to the line fences arbitration process under the *Line Fences Act*, including such things as: receiving the application and payment for fence-viewers; scheduling fence-viewing; giving notices regarding fence-viewings; postponement of an arbitration because of inclement weather; receipt, certification and mailing of an award; receipt of notice of appeal; notification of referee; notification of the time and place of an appeal; receipt of fence-viewers certificate; payment of fence-viewers fees; and placing amounts on the tax roll. I retain all the powers and duties which I have delegated.

This delegation will be in effect as of April 1, 2009.

SIGNED AT THE CITY OF TORONTO, this ____ day of January 2009.

Ulli S. Watkiss
Clerk, City of Toronto