

Wrought Iron Fence in Front Yards

Date:	May 22, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	8, 9, 10, 15, 16, 23, 24, 25, 26, 33, 34
Reference Number:	-

SUMMARY

The majority of wrought iron fence exemption applications in front yards since the enactment of Chapter 447 (Fences) have originated from properties in Ward 25. The regulation of fences based upon aesthetics or upon neighbourhood or area is not possible and regardless would not preclude exemption applications. Fence gates installed in front yard or exterior side yard fences can be regulated so as to restrict their opening into the City road allowance.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

At its meeting on March 26, 2009, the North York Community Council considered a report on an application for an exemption to the regulations of the Toronto Municipal Code, Chapter 447 (Fences). Consideration of the report was deferred and as part of the deferral, the North York Community Council:

“Requested the District Manager, Municipal Licensing and Standards, North York District to report to the North York Community Council meeting on June 9, 2009 on other front yard fences with gates similar to the one subject of this application, that have been approved or require an exemption to the Fence By-law.”

COMMENT

Chapter 447 (Fences) of the Toronto Municipal Code was enacted by City Council on July 6, 2000 and established requirements respecting fence heights and types. Where conflicts existed, residents could apply for consideration of an exemption by Community

Council. Since enactment, the North York Community Council has considered fifty-three (53) applications connected with fences in front or exterior side yards and of this total twenty-three (23) involved wrought iron or metal picket fence construction.

Appendix 1 provides a breakdown of the type of successful front and exterior side yard fence exemption applications by Ward. As noted in the Appendix, the majority (78%) of successful wrought iron fence exemptions have originated from properties in Ward 25. Of this total in Ward 25, over fifty percent were concentrated in an area encompassing County Lane, The Bridle Path and Park Lane Circle amongst others. This statistic would suggest that wrought iron is the fencing of choice for larger homes and properties.

It has been suggested that the use of wrought iron in front yards in many communities may be inappropriate owing to the visual or aesthetic impact upon the neighbourhood. There are challenges in addressing this issue selectively such as designating permitted areas in the City. The first relates to identifying the municipal purpose of restricting wrought iron fences to particular areas. If the purpose relates to aesthetics then the second challenge relates to identifying the criteria to evaluate appearance. Attempts to regulate the appearance of fences has been attempted, however, legal action has not been successful owing to the subjectivity of the Officer's interpretation. Fencing Legislation of a number of Ontario Municipalities, including London, Windsor, Hamilton, Waterloo and Ottawa were reviewed and none have addressed this issue.

Rather than regulate such fences in specific areas, this fence type might be regulated by lot size or frontage width across the City. Any additional regulation would not preclude any property owner from applying for an exemption and probably would not result in a decrease in the number of applications.

In previous discussions at the North York Community Council, it has been suggested that gates in front yard fences be restricted from opening outward over the City road allowance owing to safety concerns to pedestrian and vehicular traffic. As a general provision for all fence types, a clause addressing this issue could be developed for inclusion in the Legislation.

CONTACT

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SIGNATURE

Bryan Byng, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENT

1. Appendix 1

Appendix 1

Front Yard Fencing Application Approvals - 2000 - 2009

	WOOD	PLANT MATERIAL	WROUGHT IRON	OTHER
WARD				
8	0	0	0	1
9	0	0	0	0
10	0	2	0	1
15	0	0	0	0
16	3	0	1	0
23	2	0	2	0
24	1	0	1*	1
25	2	1	18**	3
26	3	0	0	0
33	0	0	0	0
34	0	0	1*	0
TOTAL	11	3	23	6

*Pending Application

**Total Includes two Pending Applications

SOURCE: North York Community Council Minutes