



**STAFF REPORT
ACTION REQUIRED**

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 127 Galt Avenue

Date:	January 19, 2009
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 30 – Toronto –Danforth
Reference Number:	IBMS No. 08-219693

SUMMARY

This staff report is about a matter for which the Toronto and East York 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 abutting a public highway (laneway) can be constructed to a height of 2.5 metres.

The existing wooden fence in the rear yard at the lot line abutting the public laneway consists of 3 sections of fence panels that slide on an overhead track. The total height of the fence inclusive of the overhead track is not in compliance with the by-law.

The 3 sections of fence panels slide on a track to provide access to the rear yard parking pad and although they are being described as a “gate” by the property owner, the structure is deemed a fence pursuant to the definition in the by-law as it is “used to wholly or partially screen from view, enclose or divide a yard”. The 3 panels are constructed of cedar boards with 2 end posts and a beam of pressure treated wood including a metal track. The overall height is 2.95 metres above grade and spans the entire width of the rear yard for a length of 5.49 metres. See Attachment 1.

RECOMMENDATIONS

Municipal Licensing & Standards 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 abutting a laneway can be constructed to a height of 2.5 metres. The rear yard fence at the subject property was measured at a height of 2.95 metres which exceeds the maximum height of the Fence By-law.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received an application for exemption from the Fence By-law, in response to a complaint received about the height of the rear yard fence. The stated purpose for maintaining the fence at the current height is to provide privacy, security, safety and aesthetics. Letters of support have been submitted by the applicant.

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 abutting a public laneway should not exceed 2.5 metres in height.

Should the request for an exemption be approved, a condition of approval should include that when the fence is replaced it should be constructed in compliance with Toronto Municipal Code, Chapter 447-Fences or its successor bylaw.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
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ATTACHMENTS

1. Photograph of fence