



## STAFF REPORT ACTION REQUIRED

### Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 2 Minto Street

<b>Date:</b>	January 19, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Municipal Licensing and Standards Division, Toronto and East York District
<b>Wards:</b>	Ward 32 – Beaches –East York
<b>Reference Number:</b>	IBMS No. 07-114307

#### **SUMMARY**

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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 an existing fence under construction, in the front yard, to exceed the maximum allowable height. The Fence By-law provides that a fence in the front yard area can be constructed to a height of 1.2 metres.

The fence currently under construction when completed will consist of 3 panels of bamboo set in metal frames that slide on an overhead track along the south boundary line. Currently one panel has been installed. See Attachment 1.

The fence inclusive of the 2 metal end posts and a metal overhead rail on which the panels are suspended is not in compliance with the by-law. The panels are 1.9 metres high and the top rail of the metal structure is 3.66 metres high and 7.63 metres in length.

#### **RECOMMENDATIONS**

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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 front yard area can be constructed to a height of 1.2 metres. The front yard fence structure at the subject property was measured at a height of 3.66 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 complaints received about the unsightly condition of the vehicle repair business and the requirement to build a barrier to address this concern. The business which is a permitted use adjacent to a residential area was required to erect a barrier to screen it from the view of residents. The stated purpose for maintaining the fence at the current height is to provide privacy, security and to minimize the impact of a visual nuisance.

## **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 front yard should not exceed 1.2 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**

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Elizabeth Glibbery, Manager  
Toronto and East York District

## **ATTACHMENTS**

1. Photograph of fence