



## STAFF REPORT ACTION REQUIRED

### Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 865 Bathurst Street

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| <b>Date:</b>             | March 10, 2009   |
| <b>To:</b>               | Toronto East York Community Council  |
| <b>From:</b>             | Municipal Licensing and Standards Division, Toronto and East York District |
| <b>Wards:</b>            | Ward 20 – Trinity Spadina  |
| <b>Reference Number:</b> | IBMS No.07-286423  |

#### 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 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 can be constructed to a height of 2 metres.

The existing wooden fence is located in the rear yard. The section of fence on north side of property line spans a length of 20.41 metres (67 feet). The section of fence closest to the building wall that spans 4.72 metres (15 feet and 6 inches) is constructed to a height of 2.89 metres (9 feet and 6 inches). This section of the fence is not in compliance with the By-law. The remainder of the fence which spans 15.69 metres (51 feet and 6 inches) is constructed to a height of 1.89 metres (6 feet).

#### RECOMMENDATIONS

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Municipal Licensing and Standards Division recommends that the Toronto and East York Community Council:

1. 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 area can be constructed to a height of 2 metres. A section of fence on north side of property line is constructed to a height of 2.89 metres and 4.72 metres (15 feet and 6 inches) in length.

## **ISSUE BACKGROUND**

The Municipal Licensing and Standards Division received an application for exemption from the Fence By-law, in response to a Notice of Violation issued on a complaint received about the height of the rear yard fence. A letter of support has been filed by the applicant along with the exemption request. The stated purpose for maintaining the fence at the current height is to provide safety, security and privacy.

## **COMMENTS**

The Council of the City of Toronto enacted the amalgamated By-law No. 472-2000 on July 06, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned 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 a rear yard should not exceed 2 metres in height.

## **CONTACT**

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## **SIGNATURE**

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Elizabeth Glibbery, Manager  
Toronto and East York District

## **ATTACHMENTS**

Photograph 1,2,3 – fence on north side of property