

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 332 Richmond Street West

Date:	March 10, 2009
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 20 – Trinity Spadina
Reference Number:	IBMS No.07-277814

SUMMARY

This staff report is about a matter for which the Community Council has delegated authority from City Council to make a final decision. The applicant being the business operator is seeking exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit the existing fence, at the front, side and rear of the property, to exceed the maximum allowable height. The Fence By-law provides that a fence can be constructed to a height of 2.5 metres.

The section of fence on south side of the property is constructed to a height of approximately 4.88 metres (16 feet) and 3.54 metres (11 feet and 7 inches) in length. The section of fence on east side of the property is constructed to a height of approximately 4.52 metres (14 feet and 10 inches) and 6.79 metres (22 feet and 3 inches) in length. The section of fence on north side of the property is constructed to a height of approximately 4.52 metres (14 feet and 10 inches) and 12.65 metres (41 feet and 6 inches) in length. All three sections of fence are not in compliance with the By-law. See Attachments 1 to 4.

RECOMMENDATIONS

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 City of Toronto Municipal Code, Chapter 447-Fences, Section 447-2(B), provides that the maximum permitted height of a fence for a non-residential property should not exceed 2.5 metres in height.

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 fence around the property. A letter of support has been filed by the applicant along with the exemption request. In addition, we received one complaint regarding the height of the fence. The stated purpose for maintaining the fence at the current height is to provide for a sound barrier.

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.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager, Municipal Licensing and Standards Division
Toronto and East York District

ATTACHMENTS

Photographs 1 – south side of property
Photographs 2 – east side of property
Photographs 3 – north side of property
Photographs 4 – north side of property