



STAFF REPORT ACTION REQUIRED

Fence and Gates – 524 Strathmore Boulevard

Date:	March 9, 2009
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Beaches-East York - Ward 31
Reference Number:	Te09033te.row

SUMMARY

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed a request from the owners of 524 Strathmore Boulevard, to allow the maintenance of a 1.2 m high wood frame fence with iron railings along with 2.1 m high iron gates with a wood frame that encroach within the public right of way fronting 524 Strathmore Boulevard.

Although the fence exceeds the maximum allowable height requested under the Municipal Code and does not meet the required setback from the back of the City sidewalk, these encroachments do not impact negatively on the public right of way and Transportation Services has no objection to the maintenance provided that the gates are reduced to 1.2 m in height.

The owners together with any interested parties will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the maintenance of the 1.2 m high wood frame fence with iron railings and iron gates within the public right of way at 524 Strathmore boulevard, subject to the property owners reducing the height of the gates to 1.2 m and entering into

an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:

- a. maintain the fence and gates at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
 - b. remove the fence and gates upon receiving 90 days written notice to do so; and
 - c. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City; and
2. direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to the new owner, in the event of sale or transfer to the property abutting the encroachment, subject to the approval of the General Manager of Transportation Services.

Financial Impact

There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND

An application has been received from the property owners of 524 Strathmore Boulevard requesting permission to maintain a 1.2 m high wood frame fence with iron railings, immediately back from the City sidewalk, along with 2.1 m high iron gates with a wood frame, set back 1.5 m from the rear edge of the City sidewalk within the public right of way fronting 524 Strathmore boulevard.

Transportation Services has reviewed the request and determined that although the fence is over height and does not meet the required setback, it does not impact negatively on the public right of way. Transportation Services has no objection to the maintenance of the fence provided that the owners reduce the height of the gates to 1.2 m.

COMMENTS

Applicable regulation

The construction and maintenance of fences within the public right of way are governed under the criteria set out in Chapter 313-33 of the former City of Toronto Municipal Code, which provides for fences to be constructed to a maximum height of 1.9 m on the flank of a property and up to 1.0 m in height in front of a property if they are neither hazardous nor unsightly in appearance. In addition, fences must be set back 0.46 m from the rear edge of the City sidewalk or a minimum of 2.1 m from the curb where no sidewalk is present.

Reasons for approval

Notwithstanding the height of the fence and the immediate setback from the rear edge of the City sidewalk, the fence does not impact negatively on the public right of way and can be permitted, provided that the owners reduce the height of the gates to 1.2 m and enter into an encroachment agreement with the City of Toronto.

Details of the encroachment are on file with Transportation Services.

A photo of the property is shown on Appendix 'A'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' – photo

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