



**STAFF REPORT  
ACTION REQUIRED**

**Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 850 Dundas Street West**

<b>Date:</b>	April 17, 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 19 – Trinity Spadina
<b>Reference Number:</b>	IBMS No.09-123777

**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 business operator is seeking exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit to erect a fence, at the 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 current sections of line fence (chain-link construction) along the rear east and west sides of the property, is constructed to a height of approximately 1.27 metres (4 feet and 2 inches) and 10.97 metres (36 feet) in length. The current sections of private fence (wood construction) along the rear east and west sides of the property are constructed to a height of approximately 3.02 metres (9 feet and 10 inches) and 8.53 metres (28 feet) in length. The proposed section of fence to replace the existing private fence on the east and west sides of the property is to be constructed to a height of approximately 4 metres (13 feet and 1 inch) and 8.53 metres (28 feet) in length. Both sections of proposed fence would not be in compliance with the By-law.

**RECOMMENDATIONS**

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**Municipal Licensing and Standards Division 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 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 noise complaint received about the noise emanating from the business operation at the rear of the property. A letter of support has been filed by the applicant along with the exemption request. The stated purpose for the proposed fence 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**

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

## **ATTACHMENTS**

Photograph 1 – south side of property  
Photograph 2 – east side of property  
Photographs3 – north side of property  
Photograph 4 – specifications for proposed new fence (sound barrier)