



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 744-750 Dupont Street

Date:	August 21, 2009
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 19 – Trinity Spadina
Reference Number:	IBMS Nos.09-137546/09-137553/09-137561/09-137568

SUMMARY

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 an 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 of the property, to exceed the maximum allowable height. The Fence By-law provides that a fence can be constructed to a height of 1.2 metres.

The section of rod-iron fence on the south side of the property is constructed to a height of approximately 2.34 metres and is 33.86 metres in length and includes a gate approximately 2.54 metres in height and is 4.62 metres in length. This section of fence is not in compliance with the By-law.

RECOMMENDATIONS

Municipal Licensing and Standards Division recommends that the Toronto and East York Community Council not grant the fence exemption at 744-750 Dupont Street.

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 1.2 metres in height.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received an application for exemption from the Fence By-law, in response to Notices 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. The stated purpose for erecting the current fence was to match the existing security fence system facing Dupont Street.

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.

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

Elizabeth Glibbery, Manager
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ATTACHMENTS

Attachment 1– photograph of rod-iron on south side of property