



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 45 Belleville Street

Date:	August 25, 2009
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 32 – Beaches – East York
Reference Number:	IBMS No. 09-147069

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 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 area can be constructed to a height of 2 metres. The Fence By-law provides that a fence constructed atop an unroofed deck in the rear yard can be constructed 2 meters above the surface of the deck.

The existing wooden fence on the west side lot line in the rear yard is constructed adjacent to the deck and measures 2.53 metres in height. The existing wooden fence located on the east lot line in the rear yard is constructed atop the deck and measures 2.21 metres in height. Both fences are 4.55 metres in length and do not comply with the maximum permitted height of 2 metres. See Attachments 1 - 7.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption at 45 Belleville Street.

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 can be constructed to a height of 2 metres. The rear yard fence at the west lot line at the subject property measured at a height of 2.53 metres exceeds the maximum height permitted in the Fence By-law. The Fence By-law provides that a fence constructed atop an unroofed deck in the rear yard can be constructed 2 meters above the surface of the deck. The rear yard fence at the east lot line at the subject property measured at a height of 2.21 metres atop the deck exceeds the maximum height permitted.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received an application for exemption from the Fence By-law, in response to a complaint received about the height of the rear yard fence. The stated purpose for maintaining the fence at the current height is to provide security and safety.

COMMENTS

The City of Toronto Council enacted the amalgamated By-Law 472-2000 on July 6, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned outdoor 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 the rear yard should not exceed 2 metres in height.

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

Stephen Miller, Supervisor, Municipal Licensing and Standards Division
Toronto and East York District, (416) 392-0815, fax (416) 392-0386 smiller4@toronto.ca

SIGNATURE

Elizabeth Glibbery, Manager
Toronto and East York District

ATTACHMENTS

1 – 6 Photographs of fence