



**STAFF REPORT
ACTION REQUIRED**

**Request for a Fence Exemption to Chapter 447 – Fences
of the Toronto Municipal Code at 82 Colin Avenue**

Date:	August 24, 2009
To:	Toronto and East York Community Council
From:	Manager, Municipal Licensing & Standards – Investigations Unit
Wards:	Ward 22 – St. Paul’s
Reference Number:	IBMS Folder 09-140069

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 purpose of this report is to consider a request by the property owners of 82 Colin Avenue to be exempted from Toronto Municipal Code Chapter 447 – Fences, Section 447-2(B). This section states that the maximum height of a fence in the rear yard cannot exceed 2.0 metres and the owners have five sections of the rear yard fence which do not comply with the height regulation as follows:

- (1) Fence measuring 2.27 metres in height and 20.3 metres in length and abutting the south property line and adjacent to 80 Colin Avenue.
- (2) Fence measuring in heights ranging between 2.85 metres to 2.40 metres and 9.10 metres in length abutting the south property line adjacent to 80 Colin Avenue and extending from the rear wall of the detached garage to the rear west property line.
- (3) Fence measuring a maximum height of 3.48 metres and 3.15 metres in length and extends from the southwest corner of the dwelling house to the detached garage.
- (4) Fence measuring in heights ranging between 2.35 metres to 2.20 metres and 7.83 metres in length abutting the west property line.

- (5) Fence measuring in heights ranging between 2.35 metres to 2.15 metres and 20.1 metres in length abutting the north property line.

RECOMMENDATIONS

Municipal Licensing and Standards Division recommends that the Toronto and East York Community Council not grant the fence exemption at 82 Colin Avenue.

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 in the front yard for a non-residential property should not exceed 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 a Notice of Violation issued on a complaint received about the height of the fence around the property.

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
Toronto and East York District

ATTACHMENTS

1 – 7, Photographs of the fence