



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 146 Mountjoy Avenue

Date:	October 20, 2009
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 30 – Toronto – Danforth
Reference Number:	IBMS No. 09-168438

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 fence and gate, 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 located on the east side of the rear yard for which an exemption is being requested consists of a section of wooden fence 2.5 metres in height and 1.03 metres in length, a gate 2.5 metres in height and .77 metres in length and a bamboo screen, attached to the wooden fence which is 2.1 metres in height and 4.7 metres in length. The fence consisting of the three aforementioned sections does not comply with the maximum permitted height of 2 metres. See Attachments 1, 2 and 3.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 146 Mountjoy Avenue.

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 east lot line at the subject property consists of a section of wooden fence, gate and bamboo screening measured to a height from 2.1 to 2.5 metres which exceeds the maximum height permitted in the Fence By-law. The Fence By-law provides that a fence in the rear yard can be constructed to a maximum height of 2 metres.

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 privacy, security and safety. Letters of support were received along with the application for exemption.

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

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SIGNATURE

Elizabeth Glibbery, Manager
Toronto and East York District

ATTACHMENTS

1. Photograph of fence section at east side of rear yard
2. Photograph of gate at east side of rear yard
3. Photograph of bamboo screen at east side of rear yard