



**STAFF REPORT  
ACTION REQUIRED**

**Application for Fence Exemption  
148 Spears Street**

<b>Date:</b>	February 18, 2010
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Seacock, Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 11, York South – Weston
<b>Reference Number:</b>	Folder Numbers 09-174111 FEN 00 IR and 09-200323 FEN 00 IR

**SUMMARY**

---

This staff report is in response to an application for a Fence Exemption submitted by the property owner’s daughter to maintain an existing close board wooden fence, part of which with a lattice top, with a height ranging from 2.16 metres to 2.41 metres, at the rear north side of the property municipally known as 148 Spears Street, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

**RECOMMENDATIONS**

Municipal Licensing and Standards recommend that Etobicoke York Community Council refuse the application, as the proposed fence does not comply with the provisions of Toronto Municipal Code Chapter 447, Fences.

**FINANCIAL IMPACT**

---

There are no financial implications resulting from the adoption of this report.

**ISSUE BACKGROUND**

The property is a single residential property bounded to the north by 150 Spears Street. There is a private laneway at the rear of the properties at 150, 152, 154 and 156 Spears Street that leads from Cripps Avenue to the rear north side of the subject property, and ends at the fence under question (Attachments 1 and 2).

The respective owners of 150, 152, 154 and 156 Spears Street appear to enjoy a private right of way over this laneway as it provides access to the individual garages at the rear of these properties.

As a result of a complaint about a high fence, an inspection revealed a wooden fence, comprising a 2.16 metres high and 2.35 metres long panel made up of close boards, and four 2.41 metres high close board panels with a lattice top measuring 9.0 metres, has been erected at the rear north side of 148 Spears Street. A Notice of Violation was issued under Chapter 447 of Toronto Municipal Code, Fences, and in response, the owner submitted a Fence Exemption application to maintain the said fence at the property.

## **COMMENTS**

The maximum height of a fence on a single residential property under Chapter 447 of Toronto Municipal Code is 2.0 metres (6 feet 7 inches).

While there is no sightline obstruction to traffic, the subject fence with the lattice top, which measures 2.41 metres (7 feet 11 inches) exceeds the maximum permitted height by 41 centimetres (16 inches) and the one without the lattice top exceeds the maximum permitted height by 16 centimetres (6 inches). The applicant alleged that the grade at her back yard is higher which will effectively reduce the fence height according to the Fence By-law (Attachments 3 and 4). However, access to her back yard to verify the grade level was denied and measurements were taken on the side of the private lane.

## **CONTACT**

Chip Au, Supervisor  
Etobicoke York District  
Municipal Licensing and Standards  
Tel: 416-394-2533 Fax: 416-394-2904  
E-mail: [cau2@toronto.ca](mailto:cau2@toronto.ca)

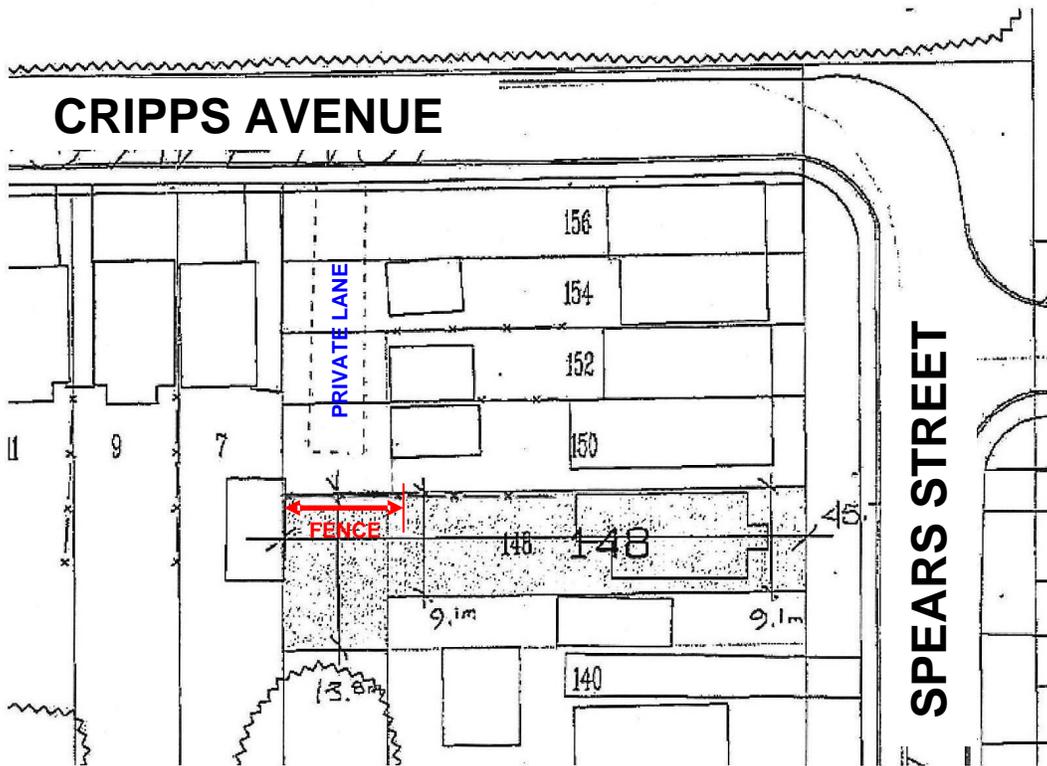
## **SIGNATURE**

---

Curtis Sealock, District Manager  
Etobicoke York District  
Municipal Licensing and Standards

## **ATTACHMENTS**

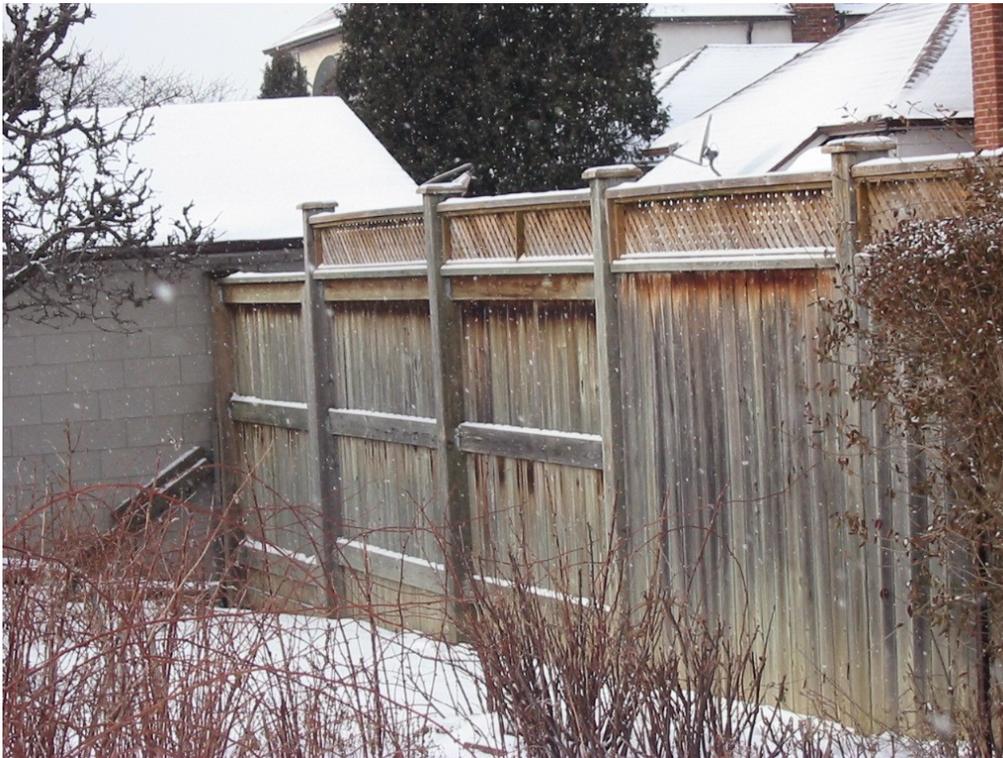
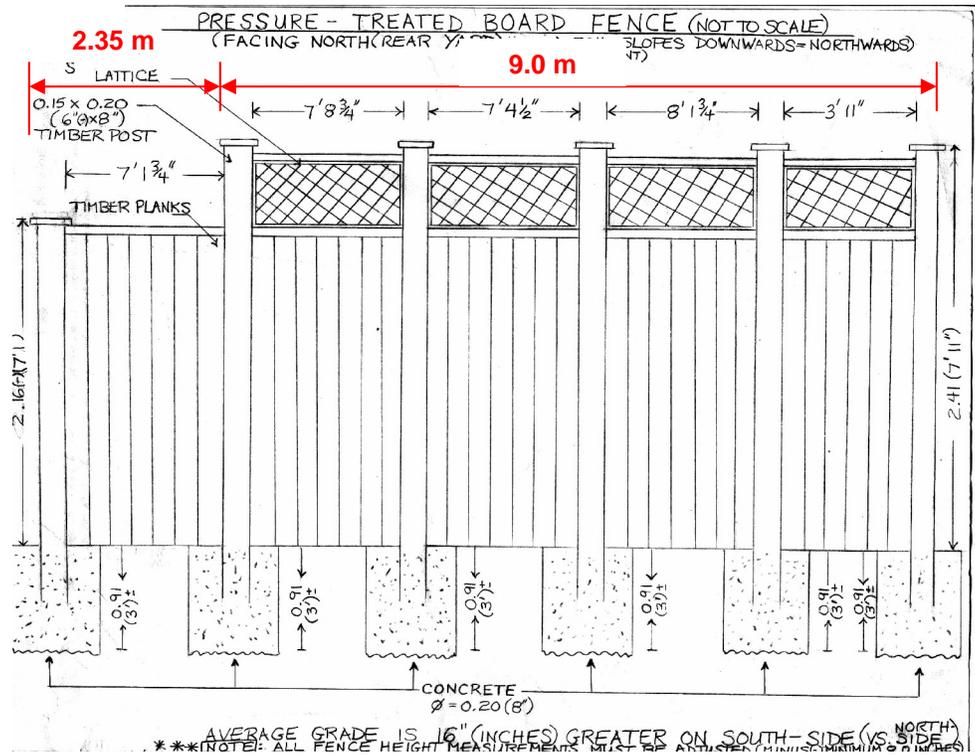
Attachment 1: Site Plan and Aerial Photo  
Attachment 2: View of Fence from Cripps Avenue and Private Lane  
Attachment 3: Fence Details and Photo submitted by Applicant  
Attachment 4: Fence Section and Photo submitted by Applicant



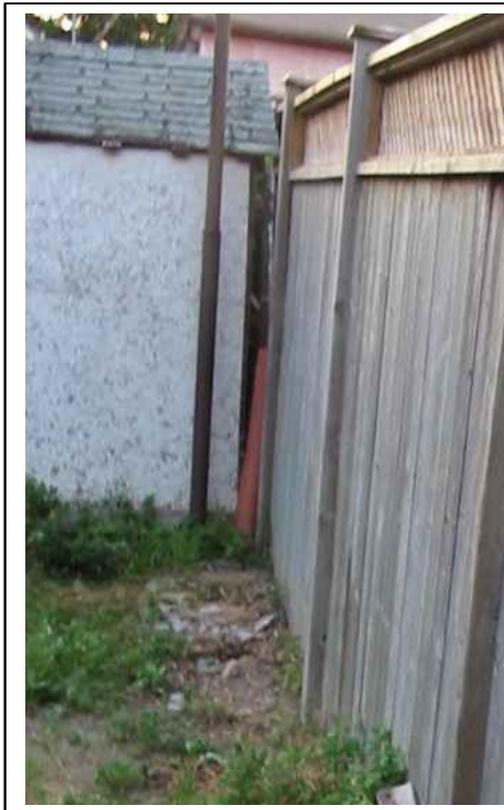
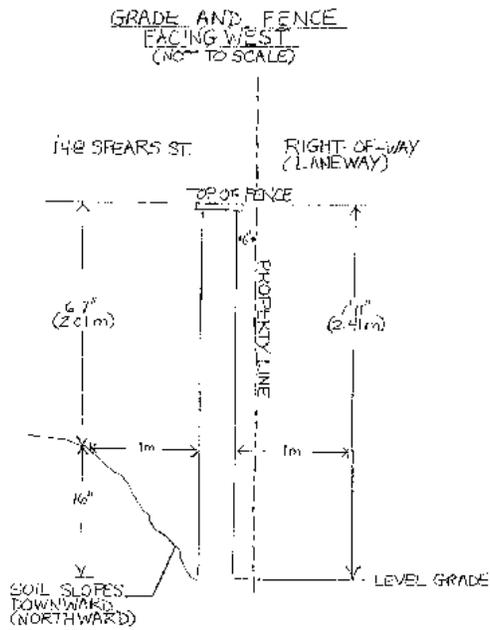
**Attachment 1: Site Plan (Above) and Aerial Photo (Below)**



**Attachment 2: View of Fence from Cripps Ave. (Above) and Private Lane (Below)**



**Attachment 3: Fence Details (Above) and  
Photo of Fence from 148 Spears St. submitted by the Applicant (Below)**



**Attachment 4**

**Fence Section (Above) and  
Close Up View of Fence (Below)  
submitted by the Applicant**