

**Application for Fence Exemption
40 Old Burnhamthorpe Road**

Date:	October 15, 2009
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 3, Etobicoke Centre
Reference Number:	ML&S Folder Number 09-167542 FEN 00 IR

SUMMARY

This staff report is in response to an application for a Fence Exemption to erect a 2.1 metres high chain link fence and gates, equipped with 3 strands of barbed wires on top, mounted on metal brackets inclined outwards at a 60 degrees angle from horizontal, along the north, east and west side of the property municipally known as 40 Old Burnhamthorpe Road, 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:

1. 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

This is a Bell Canada building located within a residential neighbourhood, bounded by four detached single family dwellings, namely 1, 3, 5 and 7 Norbert Crescent, to the north, Melbert Road to the east, opposite to six detached single family dwellings at 1, 3, 5, 7, 9 and 11 Melbert Road, Old Burnhamthorpe Road to the south, opposite to three detached single family dwellings at 41, 45 and 47 Old Burnhamthorpe Road, and a condominium town house complex at 46-52 Old Burnhamthorpe Road to the west (Attachments 2 and 3). The building is provided with a diesel backup generator which controls the telecommunication services in the area and maintains the dial tone operational upon power outage.

There is an existing 1.2 metres high chain link fence around part of the parking lot at the rear, which will be replaced by a new fence to be installed approximately 1 metre further out from the existing fence along the Melbert Road flankage.

The applicant requested for an exemption to the Toronto Municipal Code, Chapter 447, fences, to erect a 2.1 metres high chain link fence and gates with 28 millimetres mesh, equipped with 3 strands of barbed wires on top, mounted on metal brackets inclined outwards at a 60 degrees angle from horizontal, along the north, east and west side of the property, to enclose the parking lot at the rear as well as the side yard adjacent to the townhouse complex at 46-52 Old Burnhamthorpe Road. The applicant asserted that the barbed wired fence will meet the Bell Canada's corporate security guidelines and form a deterrent to vandalism in the area (Attachment 1).

COMMENTS

Barbed wire fences are prohibited under section 447-2A(2) of Toronto Municipal Code, Chapter 447, Fences, unless, (a) it is one that is allowed to go beyond 2.5 metres in height, and, (b) the barbed wires are installed at a height of not less than 2.5 metres on metal brackets inclined towards the enclosed area at an angle of 45 degrees.

As the barbed wires are to be installed at a height between 1.8 metres to 2.1 metres within the proposed chain link fence, it will be in violation of the Fence By-law. It should be noted that fences for non-residential buildings are only allowed to go up to a maximum of 2.5 metres high and as such it will not be able to accommodate any barbed wires within the permitted height of the fence. In addition, the barbed wires will be installed on metal brackets inclined outwards instead of towards the enclosed area.

In view of the number of trees on the property and the City boulevard, the applicant will have to consult with Urban Forestry Services for installation and positioning of the fence posts, should the proposed 2.1 metres high barb wired fence be approved by the Etobicoke York Community Council (Attachments 4 and 5). Also, the limited space (250 millimetres) between certain sections of the proposed chain link fence and the existing fences behind the dwellings on Norbert Crescent and Old Burnhamthorpe Road will create difficulties in cutting the grass in between (Attachments 2 and 3).

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Fence Exemption Request
Attachment 2: Site Plan
Attachment 3: Aerial Photo and Fence Detail
Attachment 4: Photos showing the existing fence at Melbert Road
Attachment 5: Photos showing the existing fence at Old Burnhamthorpe Road



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September 8, 2009

Mr. Sealock
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SUBJECT: Bell Canada Site - Security Fence Upgrade
40 Old Burnhamthorpe Rd. Etobicoke, ON
Project #N09217501

Dear Mr. Sealock,

I am writing you regarding the Bell Canada site at 40 Old Burnhamthorpe Road in Etobicoke. Our client, Bell Canada, has filled various complaints to the police regarding vandalism over the years and so have the neighboring Condominium owners. Consequentially we as Facility Managers to Bell Canada have been asked to upgrade the fence and gates to meet Bell Canada's corporate security guidelines.

We have designed the fence and are about to start the construction tendering process. Please find the attached design drawings. We first would like to seek city approval. We were told that a letter will be issued by your department to us approving or disapproving the design of the fence and suggesting alterations if necessary. I understand that this will be brought in front of the council at the upcoming meeting first. I have spoken to Councilor Holiday and he is aware of the ongoing vandalism issues at this site and we hope that the council also agrees with the remedy that we have proposed.

As you know this Bell Canada Site as well as various Bell Canada locations control the telecommunication services in their respective areas. Each site is equipped with a diesel backup generator which is responsible for keeping the dial tone operational during a power outage. It is crucial that the site is secured from any further vandalism. Not to mention the various hazards that the actions of the teens are in while on this or any site.

We look forward to the council's approval.

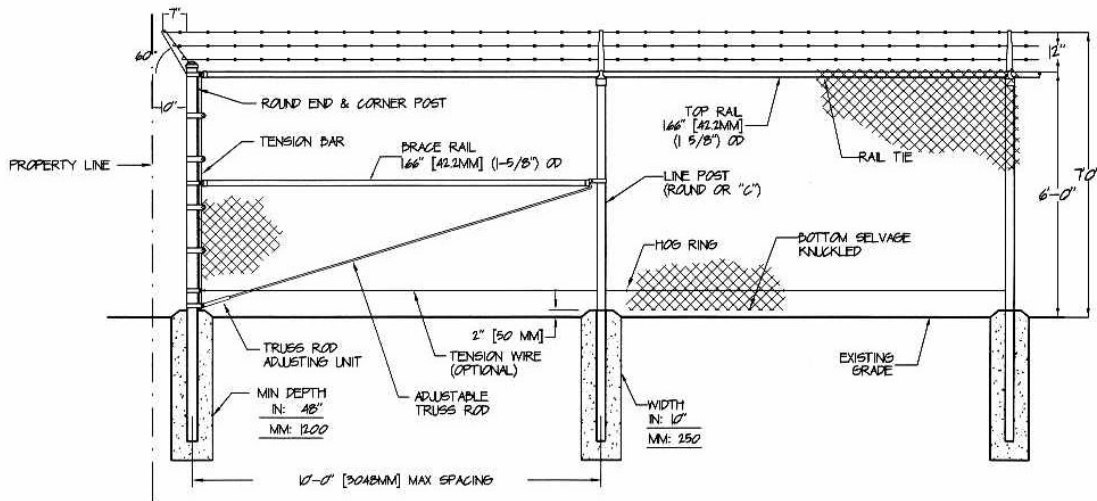
Sincerely,

Haitham Abu Zeid
Project Manager
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Member of the SNC-LAVALIN Group

Attachment 1: Fence Exemption Request



Attachment 3: Aerial Photo and Fence Detail



Attachment 4: Photographs showing the existing fence at Melbert Road



Townhouse Complex
at 46-52 Old
Burnhamthorpe Road



Attachment 5: Photos showing the existing fence at Old Burnhamthorpe Road