



## STAFF REPORT ACTION REQUIRED

### Application for Fence Exemption 280 Keele Street

<b>Date:</b>	June 2, 2010
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 13 – Parkdale – High Park
<b>Reference Number:</b>	Municipal Licensing and Standards Folder Numbers 09-149426 & 09-167497 FEN 00 IR

### SUMMARY

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This staff report is in response to an application for a Fence Exemption to maintain an existing close board wooden fence, with the fence posts ranged from a height of 2.1 to 2.4 metres, at the rear yard on the south of the property at 280 Keele 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:

1. Etobicoke York Community Council refuse the application for a fence exemption at 280 Keele Street, as the height of the fence posts 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**

In response to a complaint that a fence erected on the south side of the property at 280 Keele Street was too high, the Municipal Standards Officer attended the property on June 18, 2009 and confirmed that the complaint was valid. As a result, a Notice of Violation was issued that the fence height was in excess of the 2.0 metres maximum permitted under Chapter 447, Toronto Municipal Code, Fences.

During his inspection, it was found that the fence on the south side adjacent to 278 Keele Street was made up of seven 2.5 metres wide close board wooden panels with an arched lattice top, which measured between 2.0 metres to 2.3 metres high to the top of the lattice because of grade variations. The fence posts, which also formed part of the fence, ranged from 2.1 metres to 2.4 metres in height (Attachment 2).

It should be noted that similar fences, of 2.4 metres in height, were also found on the neighbouring properties on the west side at 125 and 127 Mavety Street, as well as on the north side at 282 Keele Street (Attachments 1 and 3). It is understood that the respective owners of these properties, as well as the applicant of this fence exemption application, being the owner of 280 Keele Street, have agreed to maintain these fences, notwithstanding that the height thereof is in excess of the maximum height permitted under the Fence By-law.

Since the submission of the fence exemption application, the property owner has removed the arched lattice on top of the fence on the south side adjacent to 278 Keele Street. This effectively reduced the height of the close board wooden panels to no more than 2.0 metres, although the fence posts are still in violation.

## **COMMENTS**

Chapter 447 of Toronto Municipal Code, Fences, restricts fences at the rear yard of a single residential property to a height of 2.0 metres. A fence is defined in the By-law as a barrier that wholly or partially screens from view, encloses or divides a yard, and the fence height is measured at any point along its length from grade, that includes fence posts.

While the arched lattice on top of the fence on the south side adjacent to 278 Keele Street, being the main subject of this application, has now been removed, and the close board wooden panels in itself are no higher than 2.0 metres, the height of the fence posts (that also form part of the fence under the definition), ranging from 2.1 metres to 2.4 metres in height, is still in violation of the Fence By-law, and as such, a fence exemption to maintain the fence posts is still required.

## **CONTACT**

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## **SIGNATURE**

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

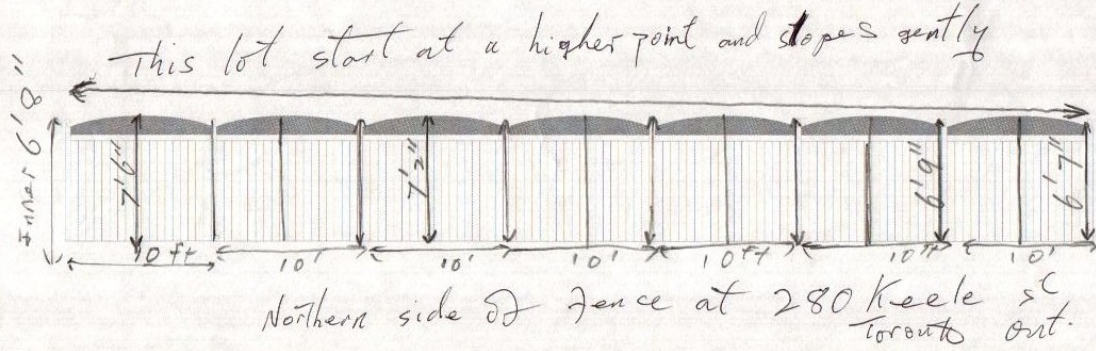
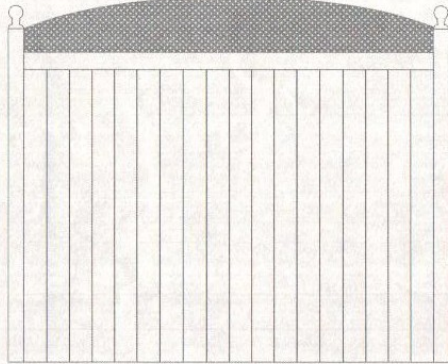
## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Detail of fence on the south side adjacent to 278 Keele Street  
Attachment 3: Photographs showing all the fences at the rear yard



## Attachment 2

to Mr. Hu  
Fence adj. height  
Civic Centre  
Etobicoke



Detail of Fence on the South side before and after removal of the Lattice





**125 & 127  
Mavety Street**

**278  
Keele  
Street**



**282  
Keele  
Street**

**Attachment 3: Photographs showing fences at the Rear Yard**

