

## **Evaluation Criteria Fence Exemptions and Encroachments**

<b>Date:</b>	July 2, 2010
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	8, 9, 10, 15, 16, 23, 24, 25, 26, 33, 34
<b>Reference Number:</b>	-

### **SUMMARY**

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The North York Community Council requested a report on the criteria used for Fence Exemptions and Encroachment Agreements.

### **RECOMMENDATIONS**

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**Municipal Licensing and Standards Division recommends that:**

1. This report be received for information purposes.

### **FINANCIAL IMPACT**

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

### **ISSUE BACKGROUND**

North York Community Council at its meeting of June 22, 2010, adopted the following motion:

“Requested the District Manager, Municipal Licensing and Standards, North York District, to submit a report to the North York Community Council on the criteria used for fence exemptions and encroachment agreements, with specific reference to 24 Dallas Road.”

This report has been prepared in response to the above noted request.

## **COMMENT**

As part of its Enforcement Program, Municipal Licensing and Standards is responsible for the enforcement of a number of Toronto Municipal Code Chapters relating to private property. Chapter 447 regulates the type, height, materials and location of fences on private property and is regularly enforced by the Division.

Encroachments are regulated in the former City of North York by North York By-law 29632, as amended. In processing encroachment applications, staff in Municipal Licensing and Standards rely upon Policy and Procedure N-29 adopted by the former City of North York Works Committee in April 1996. This policy requires circulation to the various utilities for comment. Also included in the circulation are Transportation Services. Based upon the comments received, a report is written and brought forward to Community Council for consideration.

Fence Exemption applications are typically filed as a result of an infraction discovered in the field by a Municipal Licensing and Standards Officer. As fences involved in exemption applications are on private property, the applications are not circulated to any agencies for comment. Typically, reports prepared for Community Council will outline the exemption request as well as the requirements of the Legislation.

With reference to the Encroachment application at 24 Dallas Road considered by Community Council, the application was circulated in accordance with the policy and the report recommendations reflected the advice received from the circulated parties. No comment regarding the fence/wall was made in connection with Chapter 447, as the chapter does not regulate fences on the road allowance. In this regard, the advice of Transportation Services is relied upon for consideration of location, height and materials used.

## **CONTACT**

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## **SIGNATURE**

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