



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 277 Oak Park Avenue

Date:	December 16, 2009
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 31 – Beaches – East York
Reference Number:	IBMS No. 09-141426

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 fences in the front yard to exceed the maximum allowable height. The Fence By-law provides that a fence in the front yard area can be constructed to a height of 1.2 metres.

The fences in the front yard for which an exemption is being requested consist of a section of wooden fence 1.82 metres in height on top of a wooden deck and 3 separate sections of fence in front of the deck which vary from 1.52 to 1.9 metres in height. The combined length of the 4 sections of wooden fence is 11.88 metres. The 4 sections of fence do not comply with the maximum permitted height of 1.2 metres. (Attachment 1&2)

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 277 Oak Park Avenue.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Fence By-law provides that a fence in the front yard can be constructed to a height of 1.2 metres. The 4 separate sections of fence in the front yard measure to a height of from 1.52 to 1.9 metres which exceeds the maximum height permitted in the Fence By-law.

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 front yard fence. The stated purpose for maintaining the fence at the current height is for health, safety and privacy.

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 front yard should not exceed 1.2 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

Stephen Miller, Supervisor, Municipal Licensing and Standards Division
Toronto and East York District, (416) 392-0815, fax (416) 392-0386,
smiller4@toronto.ca

SIGNATURE

Elizabeth Glibbery, Manager
Toronto and East York District

ATTACHMENTS

1. Photograph of fence as viewed from 277 Oak Park Avenue
2. Photograph of fence as viewed from 275 Oak Park Avenue