



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 2 Squires 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. 09-161673

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 fence in the rear yard, to exceed the maximum allowable height.

The Fence By-law provides that a fence in the rear yard area can be constructed to a height of 2 metres. The fence in the rear yard for which an exemption is being requested consists of a wooden fence ranging from 2.38 metres to 2.74 metres in height and 28.04 metres in length situated on top of a block retaining wall located on the north side of the rear yard. The fence in the rear yard does not comply with the maximum permitted height of 2 metres. (Attachment 1&2)

In determining fence height where there is a grade change within 1 metre on either side of the subject fence the average height is used as a base for determining overall fence height. In this instance the wooden fence sits on top of a block retaining wall that has been constructed to a height ranging from 1.01 metres tapering to grade at the rear lot line therefore the maximum allowable fence height when averaged at $\frac{1}{2}$ of 1.01 metres equals .51 metres as the base height already above grade that must be factored in when calculating overall fence height.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 2 Squires Avenue.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Fence By-law provides that a fence in the rear yard can be constructed to a height of 2 metres. The rear yard fence on the south of the rear yard measures to a height of 2.74 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 rear yard fence. The stated purpose for maintaining the fence at the current height is to provide security and safety. It should be noted that the adjoining property owner at 4 Squires Avenue is also applying to have this same mutual fence considered for an exemption from the Fence By-law.

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 rear yard should not exceed 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 at south side of rear yard at 4 Squires Avenue
2. Photograph of fence at north side of rear yard at 2 Squires Avenue