



## STAFF REPORT ACTION REQUIRED

### Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 38 Morton Road

<b>Date:</b>	December 16, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Municipal Licensing and Standards Division, Toronto and East York District
<b>Wards:</b>	Ward 32 – Beaches – East York
<b>Reference Number:</b>	IBMS No. 09-167097

#### **SUMMARY**

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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 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 fences in the rear yard for which an exemption is being requested consist of a wooden fence 2.13 metres in height and 11.28 metres in length located on the south side of the rear yard and a wooden fence 2.13 metres in height and 10.97 metres in length located on the north side of the rear yard. The fences on the south and north sides of the rear yard do not comply with the maximum permitted height of 2 metres. (Attachment 1&2)

#### **RECOMMENDATIONS**

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Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 38 Morton Road.

#### **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 both the south and north sides of the rear yard measures to a height of 2.13 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 privacy and aesthetics. Letters of support were received along with the application for exemption.

## **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**

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## **SIGNATURE**

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Elizabeth Glibbery, Manager  
Toronto and East York District

## **ATTACHMENTS**

1. Photograph of fence at south side of rear yard
2. Photograph of fence at north side of rear yard