



## STAFF REPORT ACTION REQUIRED

### Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 40 Burton Avenue

<b>Date:</b>	January 19, 2010
<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 21 – St. Paul's
<b>Reference Number:</b>	IBMS No. 09-100688

#### **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 an exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit an existing wrought iron fence constructed on top of a brick wall fence located adjacent to the south property line and also a chain link fence constructed at the west and north side of the property, to exceed the maximum allowable height. The Fence By-law provides that a fence in the rear or side yard area can be constructed to a height of 2 metres. (see Attachments 1 and 3).

A wrought iron fence measuring approximately 1.15 metres in height was constructed on top of a existing brick wall fence that was built sometime in the early 1900's, along the south property line. The brick wall fence varies in height from approximately 2.25 metres at the east side to 2.71 metres at the west side, due to the slope of the grade. The brick wall fence measures approximately 59.44 metres in length. The combined height of the wrought iron and brick fence varies in height from 3.40 metres at the east side and 3.86 metres at the west side, due the slope of the grade.

A 3.05 metre high chain link fence was built at the north west corner as an extension to an existing chain link fence for a distance of 10.97 metres along the west property line and 22.25 metres along the north property line.

## **RECOMMENDATIONS**

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Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 40 Burton 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 and side yard areas can be constructed to a height of 2 metres. Both fences exceed the maximum height of 2 metres permitted in the Fence By-law.

## **ISSUE BACKGROUND**

The Municipal Licensing and Standards Division received an application for an exemption from the Fence by-law. The stated purpose for constructing the fence at the proposed height is to increase security.

## **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**

Attachment 1, Survey

Attachment 2, Ariel view

Attachment 3, Photograph of wrought iron and brick wall fence, South side

Attachment 4, Photograph of chain link fence at North and West sides