



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 91 Hillsdale Avenue West

Date:	January 19, 2010
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	IBMS No. 09-135247

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 an exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit an existing wooden fence in the rear yard, 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.

The wooden fence has been constructed in the rear yard on the south, east and west sides. The fence at the south side measures approximately 10.90 metres in length and 2.60 metres in height. The fence at the east side measures approximately 11.90 metres in length and varies from approximately 2.40 to 2.70 metres in height, due to slope of the grade. The fence at the west side measures approximately 13.70 metres in length and varies from approximately 2.60 to 3.00 metres in height, due to the slope of the grade. (Attachments 1, 2, 3, 4 and 5)

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 91 Hillsdale Avenue West.

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. The fence at the subject property has been constructed to height of a height of 2.44 metres which exceeds 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 privacy. A letter of support from a neighbour accompanied the Fence Exemption application.

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

Elizabeth Glibbery, Manager
Toronto and East York District

ATTACHMENTS

Attachment 1, Survey

Attachment 2, Ariel view

Attachment 3, Photographs of fence at south side

Attachment 4, Photograph of fence at east side

Attachment 5, Photographs of fence at west side