



## STAFF REPORT ACTION REQUIRED

### Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 63 Gore Vale Avenue

<b>Date:</b>	May 7, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Municipal Licensing and Standards Division, Toronto and East York District
<b>Ward:</b>	Ward 19 – Trinity Spadina
<b>Reference Number:</b>	IBMS Folder No.09-197060

#### 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 wooden fence, at the rear of the property, to exceed the maximum allowable height. The Fence By-law provides that a fence can be constructed to a height of 2.0 metres.

The section of chain-link fence on the south side of the property is constructed to a height of approximately 1.11 metres and 7.43 metres in length. The section of chain-link fence on the north side of the property is constructed to a height of approximately 1.28 metres and 7.43 metres in length. Both of these sections of fence are in compliance with the By-law.

The section of wooden fence on the east side of the property is constructed to a height that ranges from 2.13 metres to 2.18 metres. This section of fence is not in compliance with the Fence By-law.

#### RECOMMENDATIONS

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The Municipal Licensing and Standards Division recommend that the Toronto and East York Community Council not grant the fence exemption for 63 Gore Vale Avenue.

## **Financial Impact**

There is no financial impact anticipated in this report.

## **DECISION HISTORY**

The City of Toronto Municipal Code, Chapter 447-Fences, Section 447-2(B), provides that the maximum permitted height of a fence for a residential property should not exceed 2.0 metres in height.

## **ISSUE BACKGROUND**

The Municipal Licensing and Standards Division received an application for exemption from the Fence By-law, in response to a Notice of Violation issued on a complaint received about the height of the fence. The stated purpose for erecting the current fence was to improve the aesthetics in the rear yard.

## **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 – 63 Gore Vale Avenue – fence on north side of property

Attachment 2 – 63 Gore Vale Avenue – fence on south side of property

Attachment 3 – 63 Gore Vale Avenue – private fence on east side of property

Attachment 4 – 63 Gore Vale Avenue – private fence on east side of property