



**STAFF REPORT
ACTION REQUIRED**

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 406 Montrose Avenue

Date:	May 7, 2010
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Ward:	Ward 19 – Trinity Spadina
Reference Number:	IBMS Folder No.10-150830

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 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 fence on the south side of the property is constructed to a height of approximately 1.98 metres and 15.07 metres in length. This section of fence is in compliance with the By-law.

The section of fence on the north side of the property is constructed to a height that ranges from 2.45 metres and 2.92 metres (which includes an overhead arbour and trellis structure). On the west side of the property, the gate is constructed to a height of 2.03 metres in height and 1.0 metre in length. Both the section of fence and the gate are not in compliance with the By-law.

RECOMMENDATIONS

The Municipal Licensing and Standards Division recommend that the Toronto and East York Community Council not grant the fence exemption for 406 Montrose 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 in the rear yard should not exceed 2.0 metres in height.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received an application from the property owner for exemption from the Fence By-law. The stated purpose for erecting the current fence was to provide privacy and improve the aesthetics in the rear yard. A letter of support from the adjacent neighbour has also been filed by the applicant along with the exemption request.

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 – 406 Montrose Avenue – fence on north side of property
- Attachment 2 – 406 Montrose Avenue – fence on south side of property
- Attachment 3 – 406 Montrose Avenue – gate on west side of property
- Attachment 4 – 406 Montrose Avenue – east side of rear yard