



STAFF REPORT ACTION REQUIRED

Request for a Fence exemption to the Toronto Municipal Code, Chapter 447-Fences at 268 Montrose Avenue

Date:	July 27, 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.10-194207

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 sections of fence on the north, west and east sides of the property are constructed to a height of 2.51 metres (which includes a retaining wall at the base). These sections of fence are not in compliance with the By-law.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 268 Montrose Avenue, confirm the notice and direct that a second notice be issued to the property owner.

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, from the property owner. The stated purpose for erecting the current fence was to provide privacy, security, safety and improve the aesthetics in the rear yard.

COMMENTS

The Council of the City of Toronto enacted the amalgamated By-law No. 472-2000 on July 06, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned 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.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager, Municipal Licensing and Standards Division
Toronto and East York District

ATTACHMENTS

1 – 5 Photographs of the fence