



**STAFF REPORT  
ACTION REQUIRED**

**Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 95 Marlborough Avenue**

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| <b>Date:</b>             | July 27, 2010   |
| <b>To:</b>               | Toronto and East York Community Council                           |
| <b>From:</b>             | Municipal Licensing and Standards, Toronto and East York District |
| <b>Wards:</b>            | Ward 27 –Toronto Centre-Rosedale                                  |
| <b>Reference Number:</b> | IBMS No. 10-178398  |

**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 purpose of this report is to consider a request by the owner of 95 Marlborough Avenue to be exempted from Chapter 447 Fences, Section 447-3 C 2(a). This section states that the maximum height of a fence in the front yard cannot exceed 1.4 metres and 2.0 metres in the rear yard.

The existing solid wood and post fence in the front yard stands approximately 2.59 metres in height and approximately 2.74 metres in length, along the east property line separating the front entrances. The existing lattice and solid wood fences in the rear yard stands approximately 2.4 metres and is approximately 10.36 metres in length along the east property line, 6.09 metres along the south property line and 16.76 metres along the west property line. The solid wood fence on the rear deck measures 3.1 metres in length and 2.4 metres in height along the east property line. See Attachments, 1, 2, 3 and 4.

**RECOMMENDATIONS**

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Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 95 Marlborough 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 height of a fence in the front yard should not exceed 1.4 metres in height and 2.0 metres in a rear yard.

## **ISSUE BACKGROUND**

The Municipal Licensing & Standards Division received an application for an exemption from the Fence Bylaw. The property owner of the subject property submitted a letter of support to permit the existing fences in the front yard and rear yards of 95 Marlborough Avenue. The fence was constructed for the purpose of ensuring security and privacy for the owner.

## **COMMENTS**

The Municipal Licensing and Standard Division conducted an inspection in response to an application regarding front and rear yard fences that exceeded the height requirement. The inspection determined that both front and rear fences exceed their prospective height requirements. The property owner is requesting an exemption in support of the fence that exceeds the recommended height for a front and rear yard fence.

Should the recommendation be adopted, and the request 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**

1 – 4 Photographs of fence