



## STAFF REPORT ACTION REQUIRED

### Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 301 Davisville 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>Wards:</b>	Ward 22 – St. Paul's
<b>Reference Number:</b>	IBMS No. 09-163335

#### **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 wood board 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 wood board fence has been constructed at the east side of the property in the rear yard and measures approximately 2.64 metres above the grade and extends approximately 6.56 metres in length. (see Attachments 2, 3 and 4).

#### **RECOMMENDATIONS**

---

Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 301 Davisville Avenue.

#### **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 rear fence at the subject property has been constructed to height of 2.64 metres above the grade which exceeds the maximum height of 2 metres permitted in the Fence By-law. The fence extends approximately 6.56 metres in length beyond the rear wall of the dwelling into the rear yard.

## **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.

## **COMMENTS**

The Municipal Licensing and Standard Division conducted an inspection in response to a complaint regarding a rear yard fence that exceeded the height requirement. The inspection determined that the rear yard fence exceeded the maximum 2 metres height for a rear yard and the property owner is requesting an exemption in support of the fence height.

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**

John Romano, Supervisor, Municipal Licensing and Standards Division  
Toronto and East York District, (416) 392-6950, fax (416) 392-0384,  
[jromano@toronto.ca](mailto:jromano@toronto.ca)

## **SIGNATURE**

---

Elizabeth Glibbery, Manager  
Toronto and East York District

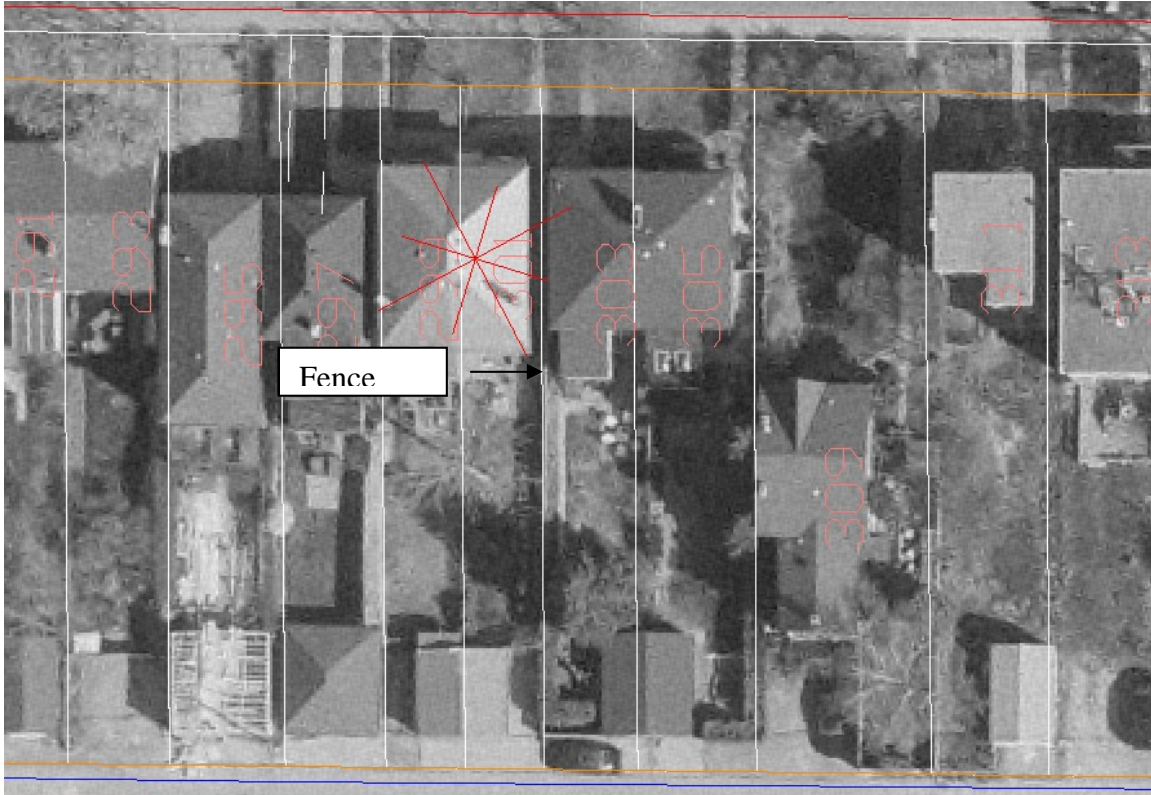
## ATTACHMENTS

Attachment 1, Ariel View of Property

Attachment 2, Photograph of Fence in Rear Yard Facing East

Attachment 3, Photograph of Fence in Rear Yard Facing North

Attachment 4, Photograph of Fence in Rear Yard Facing North



Attachment 1, Ariel View of Property



Attachment 2, Photograph of Fence in Rear Yard Facing East



Attachment 3, Photograph of Fence in Rear Yard Facing North



Attachment 4, Photograph of Fence in Rear Yard Facing North