

**Fence Exemption Request – Rear Yard
228 Ellerslie Avenue**

Date:	October 25, 2013
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 23
Reference Number:	IBMS No. 13-194918 FEN

SUMMARY

This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws. The subject matter is an application for an exemption to Chapter 447 of the Toronto Municipal Code, Fences, to permit fencing in the rear yard that is in violation of the By-law.

RECOMMENDATIONS

Municipal Licensing and Standards, North York District, recommends that:

- 1. The North York Community Council refuse the exemption from Chapter 447 – Fences, for the property at 228 Ellerslie Avenue.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

As a result of a public complaint, an inspection by a Municipal Standards Officer resulted in a Notice of Violation being issued. The owner subsequently applied for a fence exemption.

ISSUE BACKGROUND

This is a single family detached home located in the former City of North York (*Attachments 1 and 2*).

Any fence in the rear yard can be a maximum of 2 metres in height except where it borders a public highway where it can be a maximum 2.5 metres in height, pursuant to Section 447-2.B, Chapter 447, Fences, of the Toronto Municipal Code.

The owner wishes to maintain the existing west side property line wood board-on-board fence for its entire length. (*Attachments 3 to 5*).

COMMENTS

The owner wishes to maintain the existing fencing for privacy, security, safety, aesthetics.

Should the recommendation not be accepted and the request approved, the following conditions of approval should include that when the fence is replaced it should be constructed in compliance with Chapter 447 or its successor by-law.

CONTACT

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SIGNATURE

Michael Carey, Acting District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Zoning map of 228 Ellerslie Avenue
2. iView of 228 Ellerslie Avenue
3. Photograph of rear yard fence
4. Applicants survey of property
5. Applicants photograph of fence